Mr. COOK also submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to lay before this House any evidence, in the possession of the Department, showing that the uncurrent notes which he received from the banks of Edwardsville, Tombigbee, and Missouri, as mentioned in his report of the 14th ultimo, has been deposited in those banks before the date of the contracts by which they agreed to account for them as cash; together with the contracts under which those banks were only liable for said notes as special deposites; if any such contracts there were. And that he also lay before this House, all the monthly returns in the possession of the Department, which were made by the Bank of Missouri; together with all the correspondence in relation to the latter bank, in the possession of the Department, which has not been heretofore communicated to this House.

The resolution was ordered to lie on the table.

The House took up, and proceeded to consider, the report of the Committee of Claims on the petition of Archibald S. Bulloch and others: Whereupon, it was ordered that the said report be committed to a Committee of the whole House to-morrow.

The House took up, and proceeded to consider, the report of the Committee of Claims on the cases of Hoel Lawrence, Frederick White, and of Thaddeus Clarke and others: Whereupon, it was ordered that the said report be committed to a Committee of the whole House to-morrow.

A message from the Senate informed the House that the Senate, have passed a bill, entitled "An act supplementary to the several acts for adjusting the claims to land, and establishing land offices, in the districts east of the island of New Orleans;" and a resolution proposing an amendment to the Constitution of the United States as it respects the choice of President and Vice President of the United States, and the election of representatives in the Congress of the United States;" in which last mentioned bill and resolution, they ask the concurrence of this House.

FLORIDA COAST.

On motion of Mr. HILL, the Committee on Commerce were instructed to inquire into the expediency of having the coast of Florida surveyed, so as to have an accurate chart thereof made, delineating thereon the entrance of all the rivers and harbors; the islands, rocks, shoals, and reefs, in the neighborhood of the coast, as well on the side of the Gulf of Mexico, as on the Atlantic side of the peninsula; and that observations be also made with reference to sites for lighthouses.

[Mr. HILL, in presenting this resolution, observed, that he had hitherto delayed to offer it, in the hope of receiving information from the Corps of Engineers who had recently been directed by the Government to examine the seacoast from the Sabine eastward round the shores of the Floridas; but, having been informed by some of the gentlemen of that corps who have just arrived at this city, that their examination had been confined principally, if not entirely, to the selection of sites for fortifications, he was compelled, from a sense of duty, to call the attention of Congress to this subject now. Sir, we have had this territory in expectancy for many years, and in actual possession a year; yet, the truth is, that no man, perhaps, in the nation, actually knows where the best ship harbor is situated; and an examination is now making in relation to Spiritu Santo, alias Tampa, alias Hillsboro' bay. Another examination has been ordered in relation to certain islands near Cape Florida. These partial expenditures would be avoided; the coasting trade would be greatly benefited; the information necessary to the establishment of lighthouses on the coast would be furnished; and the risk of piratical depredations diminished, by having an accurate chart of the coast. The British Government have recently employed a vessel of war, to take the survey of those shores; but, whether it will ever be published, so as to be of any advantage to us, is uncertain. And shall we be more improvident toward a country we own than foreign nations? I hope not, and that the resolution will be adopted.]

PROPOSED ADJOURNMENT.

Mr. BUCHANAN called for the consideration of the joint resolution from the Senate, to fix a time for the adjournment of the present session, (the first Monday in April next.)

On the question to consider this resolution, the yeas and nays were required by Mr. MERCER.

Mr. CONDICT then moved to lay the subject on the table, (in order to avoid what he considered an interruption, to no useful purpose, of the regular business of the House.) The yeas and nays were ordered also on this motion, which Mr. CONDICT then withdrew.

[Two questions of order were decided by the SPEAKER on this occasion, worthy of being recorded, being important as precedents.

1. It was questioned by Mr. TAYLOR, whether it was in order to move to lay on the table a motion to consider a proposition now lying on the table. The SPEAKER decided that a motion to lay any proposition on the table is in order.

2. A motion was made by Mr. WALWORTH, to proceed to the orders of the day, with a view to overruling the motion now presented. The SPEAKER said, that he had more than once entertained this motion, as being conformable to the practice of the British Parliament; but, upon an examination of the rules of the House, with a view to this question, and finding that they direct, that when a question is under debate, that none but certain prescribed motions shall be received, of which the motion now made was not one, he decided that the motion to proceed to the orders of the day, there being another question under debate, was not in order.]

The question on now considering the resolution from the Senate, was then taken by yeas and nays, and decided as follows:

For considering it 63, against it 82.

So the House refused now to consider the said resolution.

REPORT ON WEIGHTS AND MEASURES.

Mr. LOWNDES, from the select committee, to whom was referred the report of the Secretary of State on weights and measures, made the following report, which was committed to a Committee of the Whole, with the resolutions:

The Committee to whom has been referred "the report on weights and measures," made by the Secretary of State, on the 22d of February, 1821, report:

That so comprehensive a view has been given, in the documents referred to them, of the origin and history of the measures and weights now in use in the United States, and so full an examination of the different proposals which have been made for their improvement, that they deem it scarcely necessary to do more than to submit the resolutions which they think it expedient that Congress should pass at this time. Their object is only to "render uniform and stable the measures and weights which we at present possess."

To effect this, they propose that the President shall cause application to be made to the English Government to allow models of the yard, the Winchester bushel, wine, gallon, and pound, (avoirdupois,) to be procured from its offices. For the purpose of easy and perfect comparison, it may be as well that the yard should be traced upon the rod of platina in the possession of the Department of State, on which is traced the French metre. These models should be made with the utmost accuracy which the art and science of England can give, and, if satisfactory to Congress, should be declared the standard yard, bushel, liquid gallon, and pound, of the United States. There is some difference of opinion as to the material of which the standards shall be formed. The committee will not detain the House by a full exposition of the reasons which led them to conclude, that, at least, the standards of length and weight should be of platina, as the material on which time is found to produce the smallest change. The Secretary of State, who adopts an opposite opinion, has said that "the very extraordinary properties of platina, its unequalled specific gravity, its infusibility, its durability, its powers of resistance against all the ordinary agents of destruction and change, give it advantages and claims to employment as a primary standard for weights and measures and coins, to which no other substance in nature has equal pretensions. Should the fortunate period arrive when the improvement in the moral and political condition of man will admit of the introduction of one universal standard for the use of all mankind, it is hoped and believed, that the platina metre will be that standard." But, if the immutability of platina recommend it so strongly as a standard for all nations and all time, it can hardly be amiss to adopt it for the interval which may elapse before the universal adoption of a national standard. This interval the Secretary and the committee may be willing to shorten, but it seems likely to last as long as diversities of laws and language among men. If the standard pound shall be of platina, it must of course, be made equiponderant with the English pound in vacuo, and the same means must be used in making the models of weight which are intended for distribution among the States. The standards of measures of capacity must, probably, be of copper or brass, and the careful preservation of all the standards may be provided for in the law which shall establish them. The committee think it best that they should be kept in the Department of State, and used only to verify the models which may be issued under the authority of Government.

The committee believe that, by distributing accurate copies of these standards among the States, the present inequality of weights and measures will be so far removed as to leave little practical inconvenience in that regard. They propose that the President shall cause to be procured such a number of copies or models of these standards of weight and measure (with their most convenient multiples and divisions) as may be necessary to allow one model of each standard to be lodged with the clerk of each district court of the United States, and one to be given to each State and Territory, to be disposed of as its Legislature may direct. The most convenient material for those copies will probably be copper or brass, but the determination of this question may best be referred to the authority which shall procure them.

It is believed that no other obligation will be required to enforce, on the part of the officers in the service of the United States, the use of weights and measures conformed to the standards established by law, than that which a sense of duty and a dependence upon the Government for their continuance in office must produce. The committee think it best, that Congress, after providing the standards of weights and measures, and furnishing models of them to every State, should leave it to the laws of the several States to enforce their use by persons who are not in the service of the United States. In the custom-house and land offices, the measures and weights may be provided from the same funds, and under the same authority, which have been hitherto employed. The committee suppose it necessary only to provide for such a distribution of models as may make it easy to verify the weights and measures which may be used either by public officers, or in private transactions. It was proposed by a former committee of the House of Representatives, in a report made in January, 1819, that the relations between the different standards should be accurately ascertained and declared in the law which should establish them.

It was observed, that "the determination of the proportions between lineal measures and measures of capacity, and between both these and weights, may have some effect in enabling us to detect, without too difficult a process, the defects of measures of capacity, and possibly of weights in common use. For this purpose it would perhaps be convenient to establish, not merely the cubical contents of the common measures of capacity, but to fix determinate forms for all these, and dimensions whose correctness might be ascertained by the common measures of length." But the relations between the standards cannot be ascertained with that absolute certainty which should be exacted in a law fixing permanent standards. The calculation of the dimensions of vessels of capacity is found, even by the most practical artists, to be so uncertain, that they rely entirely upon the trials by the weight of water which they contain. It is of some importance, that the forms of measures of capacity, which are used in commerce, should be left to depend upon the material, or the art which it is found most convenient in the different parts of our country to employ. And in fine, those relations and dimensions which it is useful to know, will be ascertained by philosophical inquiry, and published in books of easy reference. Indeed, they have been so.

The committee have proposed to establish but one standard of weight. It will be necessary that accurate

models of the grain and its usual multiples, should be provided to verify the weights which are used for the precious metals and for medicine. The law which shall establish the standard pound, may declare the grain to be the seven thousandth part of the pound, as frequent and careful examination has shown it to be.

The committee submit the following resolutions:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested, (if the consent of the Government of Great Britain shall be given thereto,) to cause to be traced on a rod of platina, the yard of the year 1601, which is kept in the British Exchequer; to cause to be made of platina a pound, of the weight in vacuo of the English avoirdupois pound; and that he also cause to be made, of whatever material he shall deem best for standards of those measures, a vessel of the same capacity as the standard Winchester bushel, and also a vessel of the same capacity as the standard wine gallon of England.

Resolved, That the President be requested to cause to be made, for distribution among the States and Territories, and for the purpose of verifying the weights and measures used therein, models of the yard, on which shall be traced its divisions of feet and inches; models of the bushel, half bushel, quarter bushel or peck, thirty-second part of a bushel or quart; models of the wine gallon, of the wine quart and pint; models of the pound, half pound, quarter pound, of the sixteenth of a pound or ounce; of the seven thousandth part of a pound or grain; models of the penny-weight or twenty-four grains, of the scruple or twenty grains; and, of the apothecaries dram or sixty grains; models of the weight of twelve and a half pounds, of twenty-five pounds, of fifty pounds, and of one hundred pounds; that these models of weight and measure be formed with the utmost practical exactness from the weight and measures procured under the authority of the foregoing resolution, and that the number to be procured of each model shall not exceed ——.

CONTESTED ELECTION.

Mr. SLOAN, from the Committee of Elections to which was referred the memorial of Philip Reed, contesting the election return of Jeremiah Causden, as one of the representatives for the State of Maryland, made a report thereon favorable to Mr. REED; which was read, and committed to a Committee of the Whole.—The report is as follows:

That the constitution of Maryland directs that the elections shall be by ballot; that every free white male citizen of the State, above twenty-one years of age, and no other, having resided twelve months within the State, and six months in the county, next preceding the election at which he offers to vote, shall have a right of suffrage in the election of Delegates to the State Legislature; that the State is divided into districts for the purpose of electing Representatives to Congress; that the sixth Congressional district is composed of the counties of Hartford, Cecil, and Kent. The election for Representatives to the present Congress was held on the first Monday of October, 1820. At that election the memorialist and the sitting member were candidates, and, by the returns from the several counties in said district, as made to the Governor and Council, it appears that the memorialist and sitting member had an equal number of votes, and that neither had the "greatest number of votes," as by the constitution of the State is required, in order to constitute an election. But it further appears, by an official statement of the proceedings of the Governor and Council, bearing date the 18th day of October, 1820, that, in conformity with what was considered to be the provisions of the law of Maryland, the Governor and Council "proceeded to decide between them which should be the Representative, and the result was that Jeremiah Causden, Esq., was decided to be the Representative for the said district." The committee are aware that to question the right of the Executive authority of Maryland to give full operation to the provisions of its election laws, will be considered as a measure of an important character. It is understood by the committee that the authority, under which the Governor and Council acted, is the act of the State of Maryland, passed the 14th of December, 1790, chapter 16, section 13. This provision of the act, the committee believe, has been repealed by the act of the 2d of January, 1806. But they consider it unnecessary to enter into an argument on this point. The Constitution of the United States, article 1, section 2, provides, that "the House of Representatives shall be composed of members chosen every second year by the *people* of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." Section 5 of the same article provides that "each House shall be the judge of the elections, returns, and qualifications of its own members." On the first Monday of October, 1820, in conformity with the law of Maryland, an election was held by the qualified electors of the sixth Congressional district. On that day they either did, or did not, elect a member to Congress. None could be elected unless he received a greater number of votes than were given for any other candidate. The term election must mean the act of choosing, performed by the qualified electors, in conformity with the requisitions of the Constitution and laws regulating the manner in which the choice shall be made. If, therefore, the legal electors, on the day appointed, should fail to make a choice, it is confidently believed that no other authority of the State can, at any other time, make good this defect. Let it be supposed that the electors should fail to attend an election; that, consequently, no election is held; would it then be contended that the Executive authority could, by lot or otherwise, appoint a Representative for such district in the Congress of the United States? This is a power which, it is presumed, none will contend does exist. Yet it is believed to be nothing more than that which has been exercised by the Governor and Council of Maryland, in the case under consideration. In this case, the electors assemble, they proceed to elect, they make no choice, they come to no Constitutional result. It is asked, what is the difference between the two cases? The one would be an appointment, because no election had been held; the other, because no choice had been made. The committee being of opinion that the power thus virtually exercised by the Governor and Council of Maryland, in appointing a Representative to the Congress of the United States, being contrary to the express provisions of the Constitution, and one which this House cannot sanction, have no hesitation in rejecting the official statement of the proceedings in the case as evidence of the right of the sitting member to a seat in this House.

Having disposed of this part of the subject referred

to them, the committee proceeded to an examination of the claims of the memorialist, and the objections of the sitting member thereto. The memorialist alleges that at the election district No. 1, in Kent county, at said election, two tickets or ballots were thrown away by the judges of the election, and not counted, which tickets were given for him, and ought to have been set down and counted to his poll. These tickets, it appears, were thrown away under an impression that they had been folded together with a fraudulent intention, previous to their being put into the ballot box. On the part of the sitting member it was contended that at Elkton, in Cecil county, two tickets under similar circumstances were thrown away, and not counted, which ought to have been added to his poll, and that, at the same district, the memorialist was allowed one vote on account of a ticket on which was the name of the memorialist, together with that of five other persons, without any other designation than that of "for Congress." It was also contended by the sitting member that sundry illegal votes had been given for the memorialist, which, if deducted from his poll, would give the sitting member a clear majority of votes in his favor. No charges of a want of integrity were made by either party, against any of the officers who had been engaged in conducting the election. Some of the testimony exhibited to the committee had been taken previous to the meeting of Congress, and some has been taken since, under instructions given by the committee, for the government of the parties. It was suggested to the parties by the committee that it would be satisfactory to have the testimony of the judges and clerks of the election in district No. 1, of Kent county, respecting the double ticket, thrown away; and such course was recommended as was thought fair and liberal, and best calculated to arrive at a full knowledge of all the principal facts in the case, and the memorialist departed in order to procure additional testimony. At this time, it was understood by the committee that the sitting member rested his claim on the testimony he had already taken; but a few days subsequent, having stated to the committee that he was apprized of other testimony in the case, and that it was his wish to obtain it, a letter was addressed to each of the parties by the chairman of the committee, appointing the 10th of January, 1822, for the final hearing of the case by the committee, and requesting each to give the other five days' notice of the time and place of taking the additional testimony. The memorialist avers that he did not receive the notification of the committee until it was too late for him to be prepared to take depositions of his witnesses; until the day appointed for the decision of the case; and that, on his way to Washington, he accidentally lost the testimony. Under these circumstances, the committee permitted the testimony to be taken a second time, and inasmuch as the sitting member had not attended the taking of these depositions in the first instance, and did not object to them when presented, on account of not having notice, the committee agreed to receive the testimony thus offered. They have been thus particular in detailing all the circumstances that occurred in the case since it came under their cognizance, because, although some of the testimony may be such as strictly might not be admissible in a court of law, yet, as there appeared to be every disposition on the part of both the gentlemen to waive all objections of form, and to pursue a course calculated to arrive at facts, the committee were disposed to be less rigid than under other circumstances they might have been disposed to act. In respect to all the other testimony, due notice has been given by each party, and they attended or not as they thought proper. In support of the claim of the memorialist, John C. Hynson, one of the judges of the election in district No. 1, of Kent county, states that he took the tickets from the box; that two tickets were thrown away, on which was the name of General Philip Reed for Congress; that those tickets were not counted, but rejected, under an impression that they were a double ticket fraudulently put into the box; but that, after he had passed it out of his hands, he was impressed with a belief that it was not double, and that this impression was confirmed when, on counting out the whole of the ballots, two were wanting to make the number equal to the number of persons voting.

Dr. Beckington Scott, David Vickers, James Price, James Ringgold, James Eagle, Jr., Darius Dunn, and John C. Hynson, Jr., testify that they were present at the opening of the ballot box and counting of the tickets, and that they were satisfied that the two tickets thrown away, and which had the name of General Philip Reed on them, were not double, and that, on the final counting of the votes, there being two ballots less than there were names of persons voting, confirmed them in their belief.

The deposition of Elijah Beck states that he was clerk of the election, but states nothing respecting any of the facts in the case.

William Scott, clerk of Kent county, certifies, under the official seal of said county, a copy of the poll-book of said election, which shows that 365 persons voted at said election, and that only 363 tickets were counted.

The deposition of Joseph Ireland states that he acted as clerk of the election. That the judges drew from the box a double ticket, and threw it away. That he saw it in Judge Hynson's hands. And that, after the votes were counted, and the disagreement between them and the poll list was discovered, Judge Hynson still said it was a double ticket.

The sitting member produced the depositions of William Boulden and John Kean. They state that they acted at the election in district No. 2, in Cecil county, in 1820, the first as judge, the second as clerk; and that General Philip Reed was allowed one vote on account of a ticket which had four other names on it, without any other designation than "for Congress." They also state that two tickets were thrown away on account of being doubled.

James Sewall, clerk of Cecil county, gives a certified copy of the ticket alluded to by Boulden and Kean, under the official seal of Cecil county.

The deposition of John Bradshaw states that he was one of the judges of the election in district No. 1, of Kent county. That Judge Hynson drew from the box a ticket which he said was double; the deponent observed that if so, it ought to be destroyed, and it was thrown away. That after the counting was finished, two ballots were wanting to correspond with the book of polls. That he observed to Judge Hynson that perhaps it was a mistake as to the ticket destroyed being double, but he declared it was double, and that it sometimes did happen that the ballots and polls did not agree. Deponent states that he did not see any name on the ticket destroyed, not having it in his hands.

William Scott, clerk of Kent county, certifies, under

the official seal of said county, that, during several years past, there has been a difference in some of the districts in said county, between the number of names on the poll-books of election and the ballots counted out.

The law of Maryland, in relation to this subject, is, that "every voter shall deliver to the judge or judges of the election, in which he offers to vote, a ballot, on which shall be written, or printed, the name or names of the person or persons voted for, and the purpose for which the vote is given plainly designated." This law further provides, that after the poll is closed, and whilst the ballots are opening and counting, that "if upon opening any of the said ballots there be found any more names written or printed on any of them than there ought to be, or if any two or more of such ballots or papers be deceitfully folded together, or if the purpose for which the vote is given is not plainly designated as within directed, such ballots shall be rejected and not counted."

In support of the allegation of the sitting member, that sundry illegal votes had been given to the memorialist which ought to be deducted from his poll, he produced the depositions of Edward Brown, George Copper, James Coleman, Josiah Massey, and the official certificate of James Sewall, clerk of Cecil county. On the propriety of entering into an investigation of this kind, when elections are by ballot, the committee entertain serious doubts. True it is that the decisions of the House in the case of Kelly and Harris, and Easton and Scott, may be considered as establishing the principle; yet, it is believed that when the circumstances attending those decisions are examined, it may be doubted whether they ought to be viewed as establishing a precedent which shall govern all future decisions. But as no desire is entertained to agitate this question at the present time, the testimony has been received, and attentively examined, but decided to be insufficient to establish any of the facts contended for.

From a full, attentive, and deliberate examination of the case, in all its points and bearings, the committee are impelled to the conclusion that the sitting member cannot, consistent with the Constitution of the United States, be allowed to retain a seat in this House, under the proceedings of the Governor and Council of Maryland. That the testimony in relation to the two votes rejected in district No. 1, of Kent county, proves that these tickets were not fraudulent, and that they ought to have been counted to the poll of the memorialist, for whom they were given; and that the vote allowed to him in district No. 2, in Cecil county, ought to be deducted from his poll, as being clearly an illegal vote. Therefore, by adding to the poll of Philip Reed, the memorialist, two votes improperly rejected in Kent county, and deducting one therefrom, for that improperly allowed in Cecil county, he will have a majority of one vote over the sitting member.

The paper marked A, is the answer of the sitting member to the prayer and arguments of the memorialist.

The following resolutions are submitted:

"*Resolved*, That Jeremiah Causden is not entitled to a seat in this House.

"*Resolved*, That Philip Reed is entitled to a seat in this House."

A—*Letter of the sitting member.*

SIR: In the contested election between General Philip Reed and myself, as it may be presumed that all the testimony on both sides, intended to be produced, or which will now be received, has been submitted to the committee, it seems proper that I should offer a few remarks upon the subject. This would have been earlier done, but for the impression that a partial discussion would rather retard than expedite the ultimate determination. In replying to the petition or memorial of General Reed, I must beg permission to invert the order adopted by him. He claims a seat in the House of Representatives upon the ground that he had a legal majority of votes; and if such were the fact, his claim would not be resisted; but I will examine this fully, as the second branch of the present inquiry. In the latter part of the memorial the petitioner labors to show that the law of Maryland, under which the sitting member has been returned, is repugnant to the Constitution of the United States, and therefore void. This law was passed in 1790, and not in 1791, as stated in the petition, about two years after the formation of the Constitution of the United States, and by some of those very men who just before had sat in the Convention which agreed to adopt that Constitution. It, moreover, was passed for the express, avowed purpose, of carrying that Constitution into effect, and giving it full operation in Maryland. This is declared to be the object of the law, (see the act itself, 1790, chap. 16.) It must then appear strange indeed, if, under these circumstances, the law shall be found to be at war with the Constitution, in one of its most important provisions! I rather presume the Constitution was quite as well understood by the framers of this law as it is now, and I beg leave to add, that I further presume that there then existed quite as little disposition to violate the Constitution, or the rights of the people, as at this time. Upon turning to the law, the following provision will be found in the first section thereof: "Whereas it is declared by the Constitution of the United States that the House of Representatives, in the Congress of the United States, shall be composed of members chosen every second year by the people of the several States; that the electors in each State shall have the requisite qualifications of electors of the most numerous branch of the State Legislatures, &c. In order, therefore, to carry the said Constitution into effect, be it enacted," &c. It is presumed that this section will hardly be contended to be at variance with the Constitution. And similar sentiments and language are to be found in the third and eighth sections of this same law. Yet, in the thirteenth section, it is provided "that in case two or more persons shall have an equal number of votes, the Governor and Council shall determine by lot, from the candidates, who shall be the Representative." Are these several provisions inconsistent with each other? Can they not well stand together, and form parts of the same system of elections? The most rigid critic must admit that they may. Then they may as easily be reconciled to the Constitution of the United States. And when it is asked, What are the rights of individual voters? and what are the powers of State Legislatures in relation to elections? this very law furnishes a strong and clear illustration. Every person entitled to vote for Delegates to a State Legislature is also entitled to vote for a Representative to Congress; and he has as high a security for the one right as the other. But upon the presumption that all the voters of a given district have exercised this right, (and such is the presumption of law,) and a tie between two or more candidates is the consequence, then the State Legislature, under the power to regulate

the manner of holding elections for Representatives to Congress, may, if they think proper, provide by law for the determination of the tie, by lot, or otherwise. But in such a case the petitioner would object that the choice would not be by the people. Mr. Chairman, if we consult the phraseology of the Constitution, we shall perceive that the idea of representation pervades every part of it; that the Constitution itself, though it literally, and in express terms, is declared to be ordained by the people, is their act only upon this principle. It commences by saying, "We, the people of the United States," as if the people were personally assembled, and about to act together. It will be found, sir, that all acts done in the name of the people, or in virtue of authority derived from them, are truly and properly the acts of the people. The President of the United States, for the purposes of his appointment, is as truly and as literally a Representative of the people as a member of Congress. His election is not so immediately the act of the people, but still he is elected by them.

But, sir, the petitioner objects further, and asserts, respecting the first clause of the second article of the Constitution, (already quoted,) that "the command here is peremptory," &c. Now, with submission, I must insist that here is no command at all, either peremptory or not. The clause contains a general declaratory description of the House of Representatives; but more general it could not well be, and, without forcing its manifest meaning, it cannot be regarded as an authority for any particular mode of election by the people. And we have seen that it is perfectly consistent with the law of Maryland, of which it is made a substantial part. Upon the principles of this law, no popular right is violated, no voter has any ground for complaint, nor have the Legislature of the State transcended their powers in its passage. For I cannot subscribe to the doctrine of the petitioner, when he lays it down, "that the Constitution never intended that there should be any interference on the part of a State, as to the election of Representatives to Congress, further than is expressly declared." Sir, the very reverse of this doctrine is the true one.

The States may interfere in any and every case where they are not expressly or by necessary implication forbidden. The Constitution is no grant of power *to* the States or *to* the people; it is a grant *by* them; and all powers not expressly or by necessary implication granted are retained by them. Surely it cannot be necessary to press this subject further. But if this view of the subject should not meet the approbation of the committee and the House, and they should think the law unconstitutional and void, still the right of the petitioner to a seat is not established. He sets up a claim to a seat; and if in point of fact there was a tie, and the law of Maryland is void, then the petitioner has no more right to a seat than any other person in the community; and if there was a tie, and the Maryland law is a valid one, then too is there an end of the question. The claim of the petitioner rests wholly upon the fact of his having a majority of legal votes; and unless he can prove this fact to the satisfaction of the committee and the House, he must fail; and whatever opinion the committee and House may entertain of the law of Maryland, if it shall appear by proof that the sitting member had a legal majority of the votes, his seat will be confirmed as a matter of course. I will therefore proceed, Mr. Chairman, to an examination of the testimony which has been produced and laid before the committee, remarking that in this as in all other cases of claim the *onus probandi* lies upon the claimant. But the sitting member will go further: he will endeavor to show by proof that there was a legal majority of votes given in his favor and that the majority is decidedly against the petitioner.

The petitioner rests his claim solely upon two tickets, rejected by the judges as a double ticket. He states that these tickets were single, and not double, and that they contained his name for Congress. Mr. Chairman, both these positions are denied positively, and the evidence is appealed to with perfect confidence to settle the question. The petitioner produces several affidavits, mentioned in his petition, to prove that in the first or lower district of Kent county, at the time of counting out the ballots, one of the judges (Mr. John C. Hynson, the junior judge) drew from the ballot-box a ticket which at the time he declared to be a double ticket from its size. He passed it (say these deponents) to John Bradshaw, the presiding judge, unopened. Mr. Bradshaw they say opened the ticket and found it to be double, upon which it was rejected, but that each of those tickets contained the petitioner's name for Congress. The deponents further state that they were under the impression that these tickets were single, and not double, as supposed by the judges; and that their impressions were confirmed, when, upon finally comparing the number of tickets with the number of the names of the voters upon the poll-book, there was a difference of two.

This is the amount of all the testimony produced by the petitioner which is in his favor. His witnesses contradict each other, and are contradicted by those produced by the sitting member, in so strong a manner and to such extent that only a few facts are left undisputed between them. It is however certain that Judge Hynson drew a ticket from the ballot-box of such unusual size as to induce him to remark at the time, that from its size, he supposed it must be double; that it was only from the size of the ticket, and not from any other visible appearance, that he was induced to make this remark. The ticket was so folded together that no one present—not even the acute Dr. Beckington Scott, who observed it when it was first drawn from the box—could determine whether it was single or double until it was opened. To this point the evidence is uncontradicted. There is no witness who denies this to be the character and description of the ticket. When the ticket was opened it proved to be double, and was very properly rejected by the judges. All the witnesses concur in stating the rejection of this ticket as the joint act of the judges. There was no dispute, no doubt, about it; no dissenting voice; not even a whisper among the warmest friends of the petitioner. Thus far the evidence may be safely trusted, because it all agrees. The question then is, was this properly a double ticket, or did two separate tickets thus enfold themselves by chance? If the committee and the House believe this was a double ticket, then there is an end of the petitioner's claim, whatever names may have been written upon the tickets. If tickets be loosely folded when deposited in the ballot-box, by pressing them together with a stick or quill, or by shaking the ballot-box itself, they may become partially enfolded in each other: but in such a case there can never be any difficulty in deciding, by *sober* judges, who possess common *eyesight*. But if a ticket so folded as to answer the description of the

ticket in question be deposited in the ballot-box, none of these means or any instrument of chance will be sufficient to produce an enclosure of one ticket in another. The thing is, ordinarily speaking, impossible. It will be recollected that the judges acted upon oath in this case, and that, as to this matter, they fully and explicitly agreed. They signed a joint return in conformity to this determination, which has become a public record. If either of them had felt the smallest doubt, or had been under the slightest impression that the ticket was improperly rejected, he was bound to communicate it to the other judges, and to rectify the mistake before the return was made. But in point of fact (for the proof of this is also uncontradicted) Judge Hynson declared, after all the votes were counted out, and after the deficiency was discovered, "that he was certain that it was a double ticket, and could not be counted." This Judge Hynson also remarked, at the same time, "that he had acted as judge several years, and that the tickets counted out often disagreed with the book of polls." And I would refer to the certificate of the clerk of Kent county, which has been laid before the committee, for numerous instances in different years. By this document it will appear that the tickets counted out oftener disagreed with the book of polls than accorded with it. Sometimes there was a difference of one, at other times two and three, &c.

This has been attempted to be explained by the deposition of Mr. Beck, produced by the petitioner, in a manner not a little singular, and to which I must request the attention of the committee. Mr. Beck States that it was the practice to throw away scattering votes, and not to count them; but that, in 1820, columns were raised for all scattering votes, &c. Mr. John C. Hynson is made to speak to the same effect; I say is *made* to speak. I shall have occasion to notice this more fully hereafter. Mr. Chairman, what proposition is this? What is its character? Has it been the practice for the judges to violate their oath? When votes are counting out, how is it possible to tell, when a ticket is produced in favor of an individual, how many more he will obtain? And how can a judge know who is a candidate, except by the tickets as they appear?

But, sir, these gentlemen will admit that it was the practice to keep a column of numbers, if none was kept for scattering votes, and in this numerical column the number of the tickets was kept, independent of any or all the candidates. The object of keeping this numerical column was to ascertain, as far as possible, the correctness of the whole proceeding. But it is a fact that mistakes have frequently occurred in the hurry of an election. Names have been placed on the poll-book who did not vote, and others have been omitted who did vote. We have a very recent instance of a zealous and distinguished politician who voted, but his name, though as well known as any in the country, was not entered on the book. This is the true and natural solution of all the difficulty.

Only suppose, in the case before us, that one single name was entered upon the books by mistake, (a thing that happens every day, and in all bodies or assemblies of men,) and then we have additional proof that the ticket was double. And permit me to inquire whether this is not a much more probable supposition than that the judges should be deceived as to a fact of so plain, so palpable, and so simple a character. Even a slight attention to the different depositions is sufficient to show that no claim can be raised upon such evidence. Whether Hynson, for example, opened the ticket in question, or whether it was passed to Bradshaw, and opened by him, is asserted and denied most positively by different witnesses. But all the testimony is calculated to demonstrate that the ticket was truly a double one. It then only remains to explain the disagreement between the poll-book and the tally, which, it is presumed, has been satisfactorily done.

The deposition of Judge Bradshaw is entitled to entire confidence—a gentleman of high, respectable character, in every view of it, and a witness who has acted with the most perfect propriety throughout. When called upon, on the 2d of January last, to give testimony in presence of the petitioner and sitting member, he attended, and coolly and deliberately stated the facts, before them, in so clear and circumstantial a manner, as to leave no doubt of his veracity.

It would give me pleasure to be able to indulge in similar remarks as to Mr. Hynson; but this gentleman, though called upon in the same manner, and requested to attend at the same time, and give his evidence in the presence of the parties, refused, or neglected to do so. This is proved by the deposition of Morgan Brown, junior, who had requested the attendance of Mr. Hynson.

A letter was then sent to Mr. Hynson by the sitting member, requesting him to state in writing his knowledge and recollection upon the subject. Mr. Hynson, it is confidently believed, received this letter, but took no notice of it. Afterwards, in the absence of the sitting member, on the 10th of January, it seems he gave a deposition to the petitioner, which the latter states he lost on his way to this city. Subsequent to this, on the 12th of February last, Mr. Hynson, it seems, made oath again for the petitioner, and, to guard against casualties, swore to two depositions, signing one, and not signing the other; the latter is endorsed "a duplicate," and is produced; the former, which was signed by him, as stated by the petitioner, is not produced. All this operation of making depositions and duplicate depositions, on the part of this witness, was in the absence of the sitting member. This witness had refused to attend, he had refused to put pen to paper, he had refused to utter a word when the sitting member could be present, but in his absence he voluntarily furnishes depositions and duplicates to the petitioner, to his full satisfaction. And, in the duplicate produced, Mr. Hynson is made to say that "the two votes or ballots were thrown away, and not counted to the polls of General Philip Reed, as the deponent was satisfied they should have been." And was this deponent really satisfied that two tickets were thrown away which ought to have been counted to the poll of the petitioner? What! and he a judge, and say not one word about it, but declare publicly that the ticket was double, and could not be counted! And all this, even, after the whole of the tickets were counted out! Then to sign a return, under oath, which he knew was incorrect! Has Judge Bradshaw acted in this manner? I appeal to every bosom in which there may yet remain one solitary spark, one lingering trace of honorable feeling! From Judge Bradshaw's deposition, it appears that there must have been a mistake as to the names upon these tickets. He swears, positively, that he saw no name upon them; he only saw an eagle at the top on the inside. Now, as this was a mark of that ticket upon which the petitioner generally run at that election, it may be that the bystand-

ers who saw it might have inferred that the petitioner's name was upon it; for it must be remembered that the name of the petitioner was printed at the bottom of the tickets upon which it was printed at all, below the names of the county delegates, though, in some instances, it was stricken out, and the name of the sitting member inserted.

The deponents named in the memorial, or rather some of them, say that the double ticket had upon it "General Philip Reed, for Congress." I feel no disposition, Mr. Chairman, to cavil, or raise frivolous objections, but I hope to be pardoned for remarking that here is a striking proof of the incorrectness of the recollection of these deponents. There were no printed tickets used at that election containing this inscription! And, to prove the fact, sir, I submit to the inspection of the committee the whole of the tickets of one entire district in that county, as they were taken from the ballot box. The tickets are either stamped with an eagle at the top, or without one; but upon no one printed ticket can this superscription, inscription, or whatever you may please to call it, be found; yet these deponents use the same words, and in the same order precisely, and their words are carefully *marked.* What is the inference? These deponents saw what never existed! So much for these *ex parte* depositions!

I am much mistaken, Mr. Chairman, if these views of the subject do not satisfy the committee that the petitioner has wholly failed to establish his claim to the benefit of these tickets.

But, sir, be this as it may, I will now proceed to show that there was a decided majority *against him.* I have hitherto called the attention of the committee to the pretensions of the petitioner, and the allegations and proofs offered by him. Now, I must claim the indulgence of the committee, while I present a brief and condensed view of the pretensions, allegations, and proofs, of the sitting member. First, it is in full proof that the petitioner was allowed by the judges of the Elkton district, in Cecil county, the benefit of a ticket containing *five names,* all for Congress. The ticket was carefully deposited with the clerk of Cecil county, by the judges, and a true copy, under his official seal, has been submitted to the committee, with the affidavits of the judges and clerk, stating that the petitioner was allowed *a vote* on account of that ticket.

The committee will observe that the judges, in this case, erred in a question of law, and not of fact, and that, upon every principle of law, and, indeed, of good sense, this ticket should have been rejected. By the election law of Maryland, it was an absolute nullity. But, in the nature of things, it must be so, even if no positive statute existed upon the subject.

What would be done in the case of a ballot for a committee of seven, if, upon counting out, a ticket should be found with *ten* names upon it? or if, in balloting for a Speaker, a ticket should be found with two or three names upon it? We all know that such tickets must, upon the principles of reason and justice, be null and void. Mr. Chairman, I respectfully apprehend that it is altogether unnecessary to attempt further to illustrate or enforce this part of the subject, and feel the most entire confidence that the committee will deduct this ticket from the poll of the petitioner, to which it ought never to have been added.

I will next call the attention of the committee to a vote given to the petitioner in Kent county, by Theodore Burr. This man had no residence in Kent county at all, except merely going there and undertaking to build a bridge, and being actually in the county part of his time, on that account.

His residence, if he had any in Maryland, was in Cecil county, and not in Kent, where he voted. He had been sued in Cecil, as his proper county, (and, by the law of Maryland, a person must be sued in his proper county,) and prosecuted to judgment, and an execution had been issued and served upon his body, returnable, and was returned, to the April court of that county in 1820. At that court, Mr. Burr was committed to jail, where he remained until late in June, or early in July. After this he went to Kent, and, on the first Monday of October in that year, voted for the petitioner. The certificate of the clerk of Cecil county, already laid before the committee, the law of Maryland referred to, and the deposition of James Coleman, fully prove this statement. This man had nothing in Kent county deserving the name of residence at the October election; but, whatever he had, it was not of six months' previous continuance as required by law to entitle to a vote.

I will also ask the attention of the committee to the vote of Thomas Glanvill, given in Kent, for the petitioner. Glanvill had no residence. That he had no residence, is fully proved by George Cooper, and that he voted for the petitioner, is proved by Morgan Brown, the present sheriff of Kent county. I refer to their depositions before the committee.

I will ask permission, Mr. Chairman, to present another case to the view of the committee.

Gideon Lusby voted for the petitioner, and was under age at the time. I refer to the deposition of Joseph Massey to prove this. Here then are *four votes* to be deducted from the poll of the petitioner, which will establish a decided majority against him. And it should not be forgotten that the depositions in these cases were not *ex parte,* but were taken in the presence of the petitioner, who *cross-examined* the witnesses. I am aware, however, Mr. Chairman, that objections may be made to this kind of testimony, and am prepared to support it, both upon principle and precedent. But no objection can properly now be made by the petitioner, because he entered into the evidence himself, by instituting a cross-examination, and it is believed that no serious difficulty can be raised by any one to this course of proceeding. It is as common as it is easy to make off-hand superficial objections to any thing.

What is the great difficulty in receiving this evidence? Sir, I have often felt surprised to hear the answer. It is said, by giving a man's declarations in evidence, you make him a witness against himself! Surely, if a man of any understanding ever advanced this proposition, it must have been without consideration. Is it not a principle of general law that you can give a man's declarations or acknowledgments in evidence against him, both in civil and criminal cases? You cannot give a man's declarations in evidence *for him,* nor can you compel him to be a witness against himself; but if he, without compulsion, confess or declare a matter which may operate against him, either civilly or criminally, this may be properly given in evidence against him. I said this was a principle of general, but perhaps I might have said of universal law. Such a confession, it is true, may affect a *particeps criminis* to a certain extent, or it may have a qualified effect upon one having an interest in the

subject to which the confession or declaration relates; and certainly it ought to have these effects. Innumerable instances might be put to illustrate this principle, but I fear I shall be tedious. In the State of Maryland, two years ago, after much consideration, it was solemnly determined that this kind of evidence should be received and acted upon. Nor is it any answer to this case to call it a high-handed measure of party, &c. For such was not its character. And only last winter the General Assembly of Maryland issued a commission to three persons in Cecil county, authorizing them to take testimony relative to illegal votes. But, Mr. Chairman, the principle has been sanctioned again and again by Congress; and, in addition to the cases heretofore named to the committee, I will, on the present occasion, only notice one; it is a case decided from Tennessee, in the thirteenth Congress: Thomas and Kelly. The circumstances of this case will be found applicable to the case before the committee. If I have been able to make myself understood by the committee, I presume there is a final end of the petitioner's claim. It is less substantial than the shadow of a shade.

Perhaps I owe an apology to the committee for the trouble I have given them in this case; but I trust they will credit me when I assure them that my prevailing wish has been, from the beginning, to render their investigation as easy and agreeable as possible. In the present communication I have deemed it advisable, for the sake of brevity, to omit a number of circumstances which are of some importance to the different views which might be taken of this case.

JEREMIAH CAUSDEN.

To the Hon. JOHN SLOAN,
Chairman of the Committee of Elections.

BANKRUPT BILL.

The House then resolved itself into a Committee of the Whole on the bill to establish a uniform system of bankruptcy throughout the United States.

The amendment moved by Mr. TRACY, on Saturday last, being under consideration,

Mr. NEALE, of Maryland, moved to strike out the part of the amendment which limits the privilege to others than merchants to take the benefit of the act, to a period "within twelve months from the time of passing this act."

This motion was assented to by Mr. TRACY, and supported by him and Mr. SERGEANT, Mr. NEALE, and Mr. WRIGHT, and opposed by Mr. CUTHBERT, Mr. TUCKER, of Virginia, and Mr. NELSON, of Virginia; when Mr. WOODSON, after some prefatory remarks, in which he expressed his dissent to the proposition before the House, submitted the following amendment, to be inserted next after the words, "and provided also."

"That all classes of the community, other than the description of persons before mentioned, shall have the privilege, at their election, of becoming voluntary bankrupts, with the consent and approbation of a major part in value of all the creditors of such voluntary bankrupt, previously obtained and duly certified, and that such bankrupt shall be subjected to the same proceedings, and liable to the same penalties, fines, and forfeitures, and be entitled to all the privileges, benefits, and advantages, as are provided for, and made applicable to, all other bankrupts by the regulations of this bill."

The amendment was approved by Messrs. TRACY, WRIGHT, BALDWIN, and SERGEANT, on the ground that it was essentially similar to that proposed by the gentleman from New York, (Mr. TRACY,) and for various other reasons.

It was opposed by Messrs. MITCHELL, of South Carolina, ROSS, and NELSON, of Virginia, and negatived.

Mr. EDWARDS, of North Carolina, then submitted the following amendment, to be inserted in the 47th line of the 1st section:

"And provided, also, that the discharge which may be given to a bankrupt under this act, shall not operate so as to discharge the bankrupt from debts which may be due to merchants, bankers, brokers, factors, underwriters, or marine insurers."

The question was taken thereon, and the amendment was negatived.

Mr. KENT, of Maryland, then proposed the following amendment:

"That no certificate of discharge, under the provisions of this act, shall operate to discharge any bankrupt from any debt or debts, except such as may be due or owing to persons who may be liable to become bankrupts under the said act."

This amendment was also negatived.

Mr. WOODSON then moved that the Committee rise and report, to the end that liberty to sit again be refused, and the subject finally disposed of: for he considered that the valuable properties of the bill had been destroyed by the vote of the Committee refusing the amendment which he had moved.

Mr. SERGEANT hoped the Committee would not rise, and he suggested to the gentleman from Kentucky, (Mr. WOODSON,) that when the subject should come before the House he would have an opportunity again to present for consideration that amendment, which he deemed so essential to the value of the bill.

The motion to rise and report was then taken and lost.

The second section having been read, Mr. WALWORTH submitted the following amendment, to be inserted in the 26th line:

"And shall also prove, by his own affidavit or otherwise, that the person petitioned against shall have committed an act of bankruptcy as aforesaid."

This amendment was supported by the mover; and, after some further observations on the subject, by Messrs. SERGEANT, COLDEN, and ROSS, the question was taken thereon and lost, without a division.

The third and fourth sections were then successively read, without proposition of amendment.

The fifth section having been read, Mr. RHEA proposed to strike out all that part thereof which follows the word "and" in the tenth line, which authorizes the breaking of doors to take the body of the bankrupt.

Mr. RHEA made the motion on the ground that it was a most extraordinary provision. The bankrupt might perhaps be in the house without the knowledge of the owner, and he thought this part

of the section was repugnant to every principle of law, of common justice, and the security of private habitation, which was guarantied by the fundamental principles of the social compact.

The question was then taken on Mr. Rhea's motion, and decided in the negative.

The subsequent sections of the bill, from the sixth to the twentieth, both inclusive, were successively read, without proposition of amendment.

The twenty-first section having been read—

Mr. Rhea moved to strike out the word "probable" in the second line and to insert in lieu thereof the word "good," as precedent to the cause for issuing a warrant, &c., which being put, the same was negatived without a division.

The twenty-second to the thirty-fourth sections inclusive were also read, seriatim, without proposition of amendment.

The thirty-fifth section having been read—

Mr. Fuller, of Massachusetts, submitted the following amendment to be inserted after the word "commission," in the tenth line of the section:

"Except, however, all debts due from the bankrupt for supplies of provisions, wearing apparel, household furniture necessary for himself and his family, and for laborers' wages; but all such debts shall remain, and may be recovered, so much as may be due after any dividend or partial payment thereon, notwithstanding the certificate aforesaid, or any thing done pursuant to this act: *Provided, however,* That no single debt so excepted shall exceed the amount of two hundred dollars."

After some remarks by the mover in favor of this amendment, and by Mr. Rhea against it, the motion was negatived.

The thirty-sixth, thirty-seventh, thirty-eighth, and thirty-ninth sections of the bill having been read, without proposition of amendment, the Committee, on motion, at four o'clock, rose and reported progress.

In the House, the question having been put on granting leave to sit again—

Some conversation took place between Mr. Nelson, of Virginia, against granting leave to sit again, and Mr. Wright, Mr. Buchanan, and Mr. Sergeant, in favor of it. Finally, the leave was granted; and then the House adjourned.

TUESDAY, March 12.

A new member, to wit: from the State of New York, Stephen Van Rensselaer, elected to supply the vacancy occasioned by the resignation of Solomon Van Rensselaer, appeared, produced his credentials, was qualified, and took his seat.

The Speaker laid before the House a certificate of the election of Stephen Van Rensselaer, as one of the Representatives of the State of New York; which was referred to the Committee of Elections.

Mr. Smith, of Maryland, from the Committee of Ways and Means, to whom was referred the petition of Jonathan Hampton, and others, reported a bill for the relief of James Miller, John C. Elliot, Noah Hampton, James Erwin, and Jonathan Hampton; which was read twice, and committed to a Committee of the Whole.

Mr. Sergeant, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act for the establishment of a Territorial government in Florida," reported the same without amendment, and it was committed to the Committee of the whole House on the state of the Union.

Mr. Kent, from the Committee for the District of Columbia, reported a bill securing to mechanics and others payment for their labor and materials in erecting any house or other building within the City of Washington, in the District of Columbia; which was read twice, and committed to a Committee of the Whole.

Mr. Rankin, from the Committee on the Public Lands, reported the following joint resolution:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to deliver to the claimants, or their legal representatives, or any person legally authorized by them to receive the same, or to the person who may have made the relinquishment required, or deposited the evidences of claim, with the commissioners appointed under the act of Congress of the thirty-first of March, eighteen hundred and fourteen, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," all deeds, conveyances, releases, and other papers which may have been deposited, under the provisions of the aforesaid act, where any claim has been adjudged invalid, by said commissioners, and on which no scrip has issued to the claimant or claimants.

The resolve was read twice, and, on motion of Mr. Gilmer, was ordered to lie on the table.

The resolution submitted yesterday by Mr. Cook, calling for information from the Treasury Department, relative to the receipt of uncurrent notes of the Bank of Edwardsville, &c., was taken up and agreed to.

Mr. Walworth laid on the table the following joint resolution, viz:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring therein, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the said Constitution:

That, until Congress shall establish uniform laws on the subject of bankruptcies throughout the United States, it shall be lawful for the several States, or any of them, to enact bankrupt or insolvent laws, in the same manner, with the like effect, as they might have done previous to the adoption of the Constitution of the United States.

The said resolution was ordered to lie on the table.

On motion of Mr. Moore, of Alabama, the Committee on Indian Affairs were instructed to inquire into the propriety of reporting a bill authorizing the payment for property lost by the friendly

Indians during the Creek war, in conformity to the Treaty of Fort Jackson in 1814.

On motion of Mr. STERLING, of New York, the Committee on the Public Lands were instructed to inquire into the expediency of authorizing the President of the United States to cause to be collected into one or more volumes, all the laws, resolutions, reports, proclamations, treaties, and such other information, connected with our public lands, as is necessary to a complete understanding of the same; and that he cause the said laws, &c., to be arranged under distinct and proper heads, so as to give a clear and correct view of their present situation.

The bill from the Senate, entitled "An act supplementary to the several acts for adjusting the claims to land, and establishing land offices, in the districts east of the island of New Orleans," was read twice, and committed to the Committee on the Public Lands.

The resolution from the Senate, "proposing an amendment to the Constitution of the United States as it respects the choice of President and Vice President of the United States, and the election of Representatives in the Congress of the United States," was read twice, and committed to the Committee of the Whole House on the state of the Union.

SALE OF PUBLIC LANDS.

Mr. MOORE, of Alabama, submitted for adoption the following resolution:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing the sale of public lands by entry, in lots of forty acres.

Mr. MOORE spoke briefly in support of his motion on the ground that it would cause some land to be sold which otherwise never would, and would enable honest but poor men to become proprietors, &c.

The resolution was decidedly opposed by Mr. COCKE, Mr. FLOYD, and Mr. HILL, on the ground that the Government had been already sufficiently liberal to purchasers of the public lands; that, if persons were allowed to take out forty acres, including the springs wherever found, the remainder of the land would be of no use but to the owners of the springs, and would be purchased by them at their convenience; that, if the lands spoken of by the gentleman were now unsaleable in larger quantities, it did by no means follow that they ever would be, &c.

Mr. STERLING moved to lay the resolve on the table; which motion was negatived.

The question was then put on agreeing to the original motion, and decided in the negative. So Mr. MOORE'S proposition was rejected.

Mr. MOORE, of Alabama, then submitted the following resolution for consideration:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting pre-emption rights to settlers on the public lands, prior to the —— day of ——, 1819.

The question to agree to the resolve was decided in the negative by a decided vote.

HEMP AND FLAX MACHINE.

Mr. BUTLER, from the Committee on Agriculture, made a report favorable to the petition of Anthony Dey and James McDonald, praying for encouragement by Congress of their invention for the breaking and dressing flax and hemp, &c., recommending a reference of the petition to the Committee on the Judiciary, with a view to an examination on the bearing of the patent laws; which was agreed to. The report is as follows:

The Committee on Agriculture, to which was referred the petition of Anthony Dey and James Macdonald, report: The petition alleges, that the said Macdonald, at the expense of the said Dey, has invented and constructed a new and useful machine for breaking and cleaning of hemp and flax, in an unrotted state, and that the said Dey has discovered the means by which hemp and flax, after being cleaned in an unrotted state in their machine, may be bleached by a process hitherto unknown; that they believe their method of dressing hemp and flax is of very great importance to the agricultural interest of the country, and, therefore, ask an extension of the exclusive right to make, construct, use, and vend, to others to be used, the said invention and discovery.

From the evidence adduced by the petitioners, it appears that they have invented a machine for breaking and cleaning hemp and flax, in an unrotted state, which is different in its principles and construction from any machine that ever has been used for that purpose, and that the said Dey has also discovered a process, never before used, for bleaching hemp and flax after it has been dressed in an unrotted state. And, also, it appears by the certificates of respectable gentlemen, who have witnessed the operation of the machine, that it will, by the power of one horse, with the assistance of one man and three boys, separate the integument and wood from the fibrous part of the hemp and flax plants, and clean the same, at the rate of one pound in a fraction of time over a minute, fit for bleaching.

The petitioners further assure us, from the operation of one machine by horse power, with the attendance of one man and three boys, from 1,600 to 2,000 pounds of unrotted hemp or flax, may be cleaned in a day, yielding from 400 to 500 pounds after it is bleached; and that, by the addition of another machine, which can be moved by the same horse, with the addition of one man and one boy more, from 800 to 1,000 pounds may be cleaned at an expense not exceeding five dollars. And the committee are informed by Mr. Dey that one man can bleach 350 pounds of hemp or flax, after it has been cleaned by their machine in a day, at an expense of one dollar and seventy-five cents for the article which he uses in the process.

From these calculations, it appears that any quantity of unrotted hemp or flax taken from the field, where it is raised, may be broke, cleaned, and bleached, at a rate of less than two cents per pound, delivered in a bleached state; and, allowing one cent per pound for the plant, as it comes from the field, the whole cost, (except for the wear of the machine,) in growing this valuable plant, and breaking, cleaning, and bleaching it, will be less than six cents per pound. The committee are not informed what the cost of hatcheling or combing it, (which is done after it is bleached,) and preparing it for the manufacturer, would be, but presume it will not exceed two cents per pound. If

the information the committee have received, and their calculations, are correct, either hemp or flax may be raised, dressed, and prepared for the best manufacture, at an expense of eight cents, and not exceeding in any case ten cents, per pound.

By the experiments of the petitioners, and others, it is found that flax, dressed and hatchelled in the ordinary way, after it has been dew-rotted, yields nine pounds from one hundred pounds of the plant which has been rotted, being sixteen pounds less than is produced from one hundred pounds of unrotted flax, cleaned and bleached by the method which the petitioners have discovered. But no experiments have yet been made to determine the difference in the weight of the plant, before and after it is rotted; therefore, it cannot now be ascertained how much will be saved, in quantity, by this method of breaking and cleaning it before it is rotted. It cannot, however, be doubted, that the common process of rotting flax, especially by dew, destroys or injures many of its fibres, and, of course, the quality, as well as the quantity, must be, in some degree, diminished.

The committee have examined the machine, and have seen it operate, and believe it will prove one of the most important and valuable discoveries. The committee have, also, examined the hemp and flax which has been bleached in this new method and hatchelled, and find that the colored matter and harshness of the fibres are removed, and that the flax is rendered very white, and as soft and fine as silk. This method of bleaching hemp and flax, it is believed, will be of great value to the grower and manufacturer of these plants.

Considering hemp and flax among the most valuable plants which can be cultivated in this country, and believing there is an abundance of soil in every State in the Union which is well adapted to their culture and growth, the committee are highly pleased with the invention and discovery of the petitioners. If hemp and flax can be raised in this country as easily and as cheap as in any other, and these inventions should prove as valuable as the committee believe they may, the cultivation of these plants will engage the attention of a large portion of the agriculturists, and become exceedingly important to the United States. It may be seen by the statement of the Secretary of the Treasury, of the quantity and value of merchandise imported, that, during the year ending on the 30th of September, 1821, 86,192 cwt. of hemp, valued at $510,489, (being about $120 per ton;) hempen goods, of the value of $226,174; duck and sheeting, of the value of $894,276; cordage, of the value of $107,868; and linens, bleached and unbleached, of the value of $2,564,159, were imported into this country, amounting to $4,302,963, and that the whole value of the exports of domestic and foreign produce of the same kind, amounted only to $822,976, leaving the value of $3,479,187 in the merchandise produced from the hemp and flax plants to be consumed in this country.

As the petitioners desire an extension of time, and further protection than is secured by the patent law in its present form, and as it is the peculiar province of the Committee on the Judiciary to report any revision or amendment of that law which may be deemed necessary, your committee recommend the adoption of the following resolution:

Resolved, That the Committee on Agriculture be discharged from the further consideration of the petition of Anthony Dey and James Macdonald, and that it be referred to the Committee on the Judiciary.

DUTIES ON IMPORTS.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to whom the subject was referred, by the resolution, on the 31st of January last, reported a bill supplementary to, and to amend, an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed March the 2d, 1799, and to repeal an act supplementary thereto, passed the 20th of April, 1818, and for other purposes; which bill was read twice, and committed to a Committee of the Whole. The bill is as follows:

Be it enacted, &c., That the fourth paragraph of the first section of the act, entitled "An act to regulate the duties on imports and tonnage," passed the 27th of April, 1816, and continued by an act passed on the 20th day of April, 1818, be, and the same is hereby, continued and made permanent.

SEC. 2. *And be it further enacted*, That, from and after the thirty-first day of December next, the sixth section of the act, entitled "An act for providing for the deposite of wine and distilled spirits in public warehouses, and for other purposes," passed the 20th day of April, 1818, shall be repealed, and cease to be in force; and the several acts relative to the time when bonds to be given for articles shall become payable, prior to the date of the said act, be, and the same are hereby, revived and continued in force, from and after the said thirty-first of December next, any thing in the said act to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That, from and after the thirtieth day of September next, the following duties shall be levied, collected, and paid, in lieu of the duties heretofore imposed by law, to wit:

A duty of ten per cent. ad valorem on all the articles contained in the first section of the act, entitled "An act to regulate the duties on imports and tonnage," which articles now pay a duty of seven and a half per cent.

A duty of twenty-five per cent. on all manufactures of cotton, wool, and linen, or of which either is a component part, not particularly specified; on articles of silk, or of which silk is a component part, the manufacture of India, China, or any other country beyond the Cape of Good Hope; on engravings; on ivory, shell, or horn combs; on Madras handkerchiefs, and other manufactures made of the bark of trees; on muffs and tippets.

A duty of thirty-three and a third per cent. on nankeens, the manufacture of any place beyond the Cape of Good Hope.

A duty of forty per cent. on ready made clothes.

The following duties, severally and specifically:

On lead, in pigs, bars, and sheets, two cents per pound;

On shot, manufactured of lead, three cents per pound;

On pewter, four cents per pound;

On pepper, ten cents per pound;

On pimento, eight cents per pound;

On ale, beer, and porter, in bottles, twenty cents per gallon;

On ale, beer, and porter, imported otherwise than in bottles, fifteen cents per gallon;

On Chinese cassia, ten cents per pound;

On cocoa, three cents per pound;

On chocolate, four cents per pound;

On ginger, three cents per pound;
On currants and figs, three cents per pound;
On plums, prunes, muscatel raisins, and raisins in jars and boxes, four cents per pound;
On all other raisins, three cents per pound;
On filberts, three cents per pound;
On molasses, six cents per gallon;
On prunelle, and other shoes, or slippers of stuff, or nankeen, twenty-five cents per pair;
On laced boots or bootees, one dollar and fifty cents per pair;
On smoked salmon, one dollar per quintal;
On linseed, palm, and hempseed oil, twenty-five cents per gallon;
On manufactured tobacco, four cents per pound;
On mercury and quicksilver, and all preparations of it, eight cents per pound;
On beeswax, seven cents per pound;
On butter, five cents per pound;
On camphor, crude, ten cents per pound; refined, twenty cents per pound;
On chamomile flowers, ten cents per pound;
On feathers, for beds, five cents per pound;
On flax, three cents per pound;
On Roman cement, one cent per pound;
On indigo, twenty-five cents per pound;
On cochineal, one dollar per pound;
On madder, two cents per pound;
On vinegar, eight cents per gallon;
On wool, six cents per pound;
On all black teas, twenty-five cents per pound;
On hyson-skin, and other green teas, not enumerated, twenty-five cents per pound;
On Glauber salts, two cents per pound;
On Epsom salts, three cents per pound;
On coal, six cents per bushel;
On pine apples, four cents each;
On arrack, forty cents per gallon;
On Cayenne pepper, fifteen cents per pound;
On copper-bottoms, cut round, or still-bottoms, raised to the edge, four cents per pound;
On copper, in plates or sheets, weighing more than thirty-four ounces per square foot, four cents per pound;
On copper plates, for engravers, four cents per pound;
On hemp, two cents per pound;
On iron, in bars and bolts, not manufactured by rolling, one dollar per hundred weight;
On castings of iron, one dollar per hundred weight;
On spikes of iron, four cents per pound;
On nails, five cents per pound;
On anvils, two cents per pound;
On iron in sheets, rods, and hoops, three cents per pound;
On iron cables, or chains, or parts thereof, three cents per pound;
On spades and shovels, two dollars per dozen;
On lard, three cents per pound;
On opium, one dollar per pound;
On soap, four cents per pound;
On all printing paper, eight cents per pound;
wrapping paper, six cents per pound;
colored paper, six cents per pound;
writing paper, twelve cents per pound;
sugar-loaf paper, four cents per pound;
letter or folio post paper, fifteen cents per lb.;
book binders' band box, and sheathing paper, three cents per pound;
On printed hangings, fifteen cents per pound;
On all other papers, not enumerated, six cents per pound;
On wines, Madeira, sixty cents per gallon;
Marsala, or Sicily Madeira, and other wines of Sicily, forty cents per gallon;
Malaga and Colmenar, thirty cents per gal.;
Fayal, thirty cents per gallon;
Fayal, Pico Madeira, forty cents per gallon;
Canary, thirty cents per gallon;
On books, in sheets or boards, twenty-one cents per pound.
when bound, twenty-eight cents per pound.

SEC. 4. *And be it further enacted*, That the following articles shall be imported free of duty, viz. books in ancient languages; books in modern foreign languages; books, maps, charts, instruments, and engravings, specially imported for the use of any State, or sent to philosophical or literary institutions, as donations, or by way of exchange.

SEC. 5. *And be it further enacted*, That, in lieu of the drawback heretofore allowed by law, there shall be allowed, from and after the thirtieth of September next, a drawback of five cents on every gallon of spirits, not below first proof, distilled within the United States, from molasses, subject to the provisions and regulations of an act entitled "An act to allow drawbacks of duties on spirits and sugar, refined within the United States, and for other purposes," passed the thirtieth day of April, eighteen hundred and sixteen, except as to the payment of the debenture, which shall be made conformably to an act passed the third March, eighteen hundred and twenty-one, entitled "An act to authorize the collectors of the customs to pay debentures issued on the exportation of loaf sugar, and spirits distilled from molasses."

SEC. 6. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all such goods, wares, and merchandise, which, after the said thirtieth day of September, one thousand eight hundred and twenty-two, shall be imported in ships or vessels not of the United States: *Provided*, That this additional duty shall not apply to such goods, wares and merchandise, imported in ships or vessels not of the United States, entitled by treaty, or by any act or acts of Congress, to be entered in the ports of the United States, on the payment of the same duties as are paid on goods, wares, and merchandise, imported in ships or vessels of the United States.

SEC. 7. *And be it further enacted*, That there shall be allowed a drawback of the duties by this act imposed on goods, wares, and merchandise, imported into the United States, upon the exportation thereof within the time, and in the manner, prescribed in the fourth section of the act, entitled "An act to regulate the duties on imports and tonnage," passed on the twenty-seventh day of April, one thousand eight hundred and sixteen.

SEC. 8. *And be it further enacted*, That the existing laws shall extend to, and be in force for the collection of, the duties imposed by this act on goods, wares, and merchandise, imported into the United States, and for the recovery, collection, distribution, and remission of all fines, penalties, and forfeitures, as fully, and effectually, as if every regulation, restriction, penalty, forfeiture, provision, clause, matter, and thing, in the existing laws contained, had been inserted in, and re-enacted by, this act.

SEC. 9. *And be it further enacted*, That the duties imposed by this act shall not be levied on goods imported in vessels of the United States from beyond the Cape of Good Hope, which shall have sailed from the

United States before the passage of this act, and shall arrive therein between the thirtieth September, eighteen hundred and twenty-two, and the first day of October, eighteen hundred and twenty-three.

BANKRUPT BILL.

The House then again resolved itself into a Committee of the Whole on the bill to establish an Uniform System of Bankruptcy throughout the United States.

The thirty-ninth section was read without any proposition of amendment.

The fortieth section having been read—

Mr. RHEA moved to strike out the words "good reason" and to insert in lieu thereof the words "probable cause," in the 12th line of the said section, which, the question being put, was negatived. No further amendment being proposed to that section, the same, with the subsequent sections of the bill, to the forty-eighth inclusive, were read without further proposition of amendment.

The forty-ninth section having been read—

Mr. RHEA moved to strike out the same altogether, which motion was put and lost, without a division.

The fiftieth section, to the sixty-third inclusive, were then successively read without any proposition of amendment.

Mr. SERGEANT proposed to introduce between the sixty-third and sixty-fourth sections the following:

SEC. 64. *And be it further enacted,* That it shall be the duty of the commissioners, appointed under the authority of this act, once in every year to make a report, and transmit the same to the Secretary of State, stating the number of persons who shall have been declared bankrupt, the number and amount of debts proved, the amount of property surrendered and of dividends declared, noting in each case any such particular circumstances as may have affected the amount of the surrender or the dividends, together with the costs which have accrued under each commission, with such general remarks upon the operation of the law, and proposals for its amendment, as may seem to them material.

The proposition was agreed to.

The sixty-fourth section, being the last section of the bill, was then read without proposition of amendment.

Mr. SERGEANT submitted the following, to be added at the end of the fourth section:

"And provided, also, that when the party against whom a commission is prayed for, as herein before provided, shall, by writing, signed and accompanying such petition, signify his concurrence in the prayer thereof, the commission may be issued and proceeded upon without any allegation, affidavit, or proof of an act of bankruptcy having been committed, in like manner as if the same had been fully established."

The amendment was agreed to, with some verbal amendments in the subsequent sections, to correspond with the amendment.

Mr. COLDEN submitted the following, to be added to the third section of the bill:

"But the said commissioners and clerk shall not be allowed to charge as for a whole day, unless they have been actually employed in the same business six hours in the day for which a whole day is to be allowed; and that, where the said commissioners and clerks may not in one day be employed in the same business six hours, they shall be allowed only such a portion of five dollars as the time they are actually employed bears to six hours; but, in this calculation, fractions of hours shall not be regarded."

The amendment was negatived.

Mr. WOODCOCK, of New York, moved to strike out the last proviso to the seventh section; which motion was negatived.

Mr. WRIGHT, of Maryland, moved to insert in the bill, as the thirty-sixth section, the following:

"*And be it further enacted,* That any person or persons not entitled to the benefit of this act, who shall have been, or hereafter shall be, discharged by any State law, under the provisions thereof, shall be entitled to the benefit of said discharge, as fully as any bankrupt discharged by virtue of this act."

Mr. WRIGHT supported the amendment in a speech of considerable length.

Mr. SAWYER replied that the object which the amendment proposed to attain was sufficiently secured in the fifty-ninth section.

The question was then taken, and the motion was lost.

No further amendments having been offered, the Committee rose and reported the bill as amended.

The question was then taken on the several amendments as reported, and, with a modification of the last, they were respectively concurred in.

The question was then stated on ordering the bill to be engrossed for a third reading; when

Mr. TRACY proposed to amend the bill by adding to the first section the same amendment which he offered in Committee of the Whole, for admitting others than merchants to avail themselves of the benefit of the law.

On this question Mr. TRACY called for the yeas and nays, which were thereupon ordered; and decided in the negative—yeas 74, nays 90, as follows:

YEAS—Messrs. Baldwin, Barber of Connecticut, Bayly, Bigelow, Borland, Breckenridge, Burrows, Cambreleng, Campbell of New York, Cannon, Causden, Chambers, Cocke, Colden, Condict, Conkling, Cushman, Darlington, Durfee, Eddy, Edwards of Pennsylvania, Eustis, Findlay, Fuller, Gorham, Hawks, Herrick, Hill, Hubbard, Jackson, F. Johnson, J. T. Johnson, Jones of Tennessee, Kent, Keyes, Litchfield, Little, McCarty, Metcalfe, Milnor, Moore of Pennsylvania, Moore of Virginia, Moore of Alabama, Morgan, Murray, Neale, Nelson of Massachusetts, Newton, Pitcher, Rich, Rochester, Ruggles, Sanders, Sawyer, Scott, Sergeant, S. Smith, J. S. Smith, Spencer, Sterling of Connecticut, Sterling of New York, Stewart, Stoddard, Swearingen, Taylor, Tod, Tomlinson, Tracy, Walker, Walworth, Williamson, Wood, Woodcock, and Wright.

NAYS—Messrs. Alexander, Allen of Massachusetts, Allen of Tennessee, Archer, Ball, Barbour of Ohio, Bassett, Bateman, Baylies, Blair, Brown, Buchanan, Burton, Butler, Campbell of Ohio, Cassedy, Conner, Cook, Crafts, Cuthbert, Dane, Denison, Dickinson, Edwards of Connecticut, Edwards of North Carolina,

Farrelly, Floyd, Gilmer, Gist, Gross, Hall, Harvey, Hobart, Hooks, J. S. Johnston, Jones of Virginia, Kirkland, Lathrop, Leftwich, Lincoln, Long, Lowndes, McCoy, McNeill, McSherry, Mallary, Matlack, Matson, Mattocks, Mercer, Mitchell of Pennsylvania, Mitchell of South Carolina, Nelson of Virginia, New, Overstreet, Patterson of New York, Patterson of Pennsylvania, Phillips, Pierson, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Rankin, Reed of Massachusetts, Reid of Georgia, Rhea, Rogers, Ross, Russ, Sloan, Arthur Smith, W. Smith, Alexander Smyth, Stevenson, Swan, Tatnall, Thompson, Tucker of South Carolina, Tucker of Virginia, Upham, Vance, Van Rensselaer, Van Wyck, Whipple, White, Williams of North Carolina, Williams of Virginia, Wilson, Woodson, and Worman.

Mr. EDWARDS, of North Carolina, then moved to amend the said bill, by inserting after the word "act," in the 47th line of the first section, the following provision, viz:

And provided, also, That no certificate of discharge under the provisions of this act, shall operate to discharge any bankrupt from any debt or debts, except such as may be due or owing to persons who may be liable to become bankrupts under this act.

And the question being taken thereon, it was determined in the negative—yeas 71, nays 87, as follows:

YEAS—Messrs. Alexander, Allen of Tennessee, Archer, Ball, Barber of Ohio, Bassett, Bateman, Blair, Breckenridge, Brown, Buchanan, Burton, Campbell of Ohio, Cannon, Condict, Darlington, Edwards of North Carolina, Floyd, Gilmer, Gist, Hall, Hooks, Jackson, F. Johnson, J. T. Johnson, Kent, Keyes, Leftwich, Litchfield, McCoy, McNeill, McSherry, Matlack, Mitchell of Pennsylvania, Moore of Alabama, Murray, Neale, Newton, Overstreet, Patterson of Pennsylvania, Phillips, Plumer of New Hampshire, Reid of Georgia, Rochester, Ross, Scott, Sloan, Arthur Smith, W. Smith, Alexander Smyth, J. S. Smith, Sterling of New York, Stevenson, Stewart, Stoddard, Swan, Swearingen, Thompson, Tracy, Trimble, Tucker of South Carolina, Tucker of Virginia, Van Wyck, Walker, Walworth, Williams of North Carolina, Williams of Virginia, Wilson, Woodcock, Woodson, and Wright.

NAYS—Messs. Allen of Massachusetts, Baldwin, Barber of Connecticut, Baylies, Bayly, Bigelow, Blackledge, Borland, Burrows, Butler, Cambreleng, Cassedy, Causden, Chambers, Cocke, Colden, Conkling, Conner, Crafts, Cushman, Cuthbert, Dane, Dickinson, Durfee, Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Eustis, Farrelly, Findlay, Fuller, Gorham, Gross, Harvey, Hawks, Hill, Hobart, Hubbard, J. S. Johnston, Jones of Tennessee, Kirkland, Lathrop, Lincoln, Little, Long, Lowndes, McCarty, Mallary, Matson, Mattocks, Mercer, Milnor, Mitchell of South Carolina, Moore of Pennsylvania, Moore of Virginia, Morgan, Nelson of Virginia, New, Patterson of New York, Pitcher, Plumer of Pennsylvania, Poinsett, Reed of Massachusetts, Rhea, Rich, Rogers, Ruggles, Russ, Sanders, Sawyer, Sergeant, S. Smith, Spencer, Sterling of Connecticut, Tatnall, Taylor, Tod, Tomlinson, Upham, Vance, Whipple, White, Whitman, Williamson, Wood, and Worman.

Mr. WOODSON then moved to amend the said bill by inserting, after the word "act," in the said 47th line of the first section, the following words, viz:

"Unless with their consent; and they, and all other classes of the community, shall have the privilege, at their election, of becoming voluntary bankrupts, with the consent and approbation of a major part in value of all the creditors of such voluntary bankrupt, previously obtained and duly certified, and that such bankrupt shall be subjected to the same proceedings, and liable to the same penalties, fines, and forfeitures, and be entitled to all the privileges, benefits, and advantages, as are provided for, and made applicable to, all other bankrupts, by the regulations of this bill.

Mr. BRECKENRIDGE said, he did not rise for the purpose of discussing the merits of the amendment proposed by his colleague, (Mr. WOODSON.) He felt that, to enter now into that discussion, would be an unpardonable consumption of the time of the House. He only desired to inform the honorable gentleman from Pennsylvania, (Mr. SERGEANT,) and the friends of the bankrupt bill, that without some such provision as that offered by his colleague, the bill would not be supported by many who would advocate a law, embracing, under proper restrictions, all classes of the community. You have a right, sir, to pass uniform laws on the subject of bankruptcy. But are you bound to confine its operations to merchants only? And does not policy and justice alike require that the remedy should be commensurate with the evil? Will you not extend it to the mechanic, or any other class of your citizens, who may be subject to the vicissitudes of fortune? The citizens of the West are a trading people; they are all more or less engaged in that species of traffic, from which pecuniary embarrassment may arise. The East and the North desire that merchants only shall be embraced by the law. But, whilst they are relieved from the pressure of misfortune, will they not also lighten the burden of their brethren? He warned the friends of the bankrupt law, that if they rejected the proposed amendment, the bill itself would, in the end, be also rejected. Those opposed to the bankrupt bill, would not aid in its amendment—it must be done by the friends of the measure, or the whole is lost.

Mr. J. SPEED SMITH said that, as he had consumed no portion of the time of the House upon the motion to strike out the first section of the bill, and as he had no wish to go into a discussion of the constitutionality or expediency of the proposed system, he expected to meet the indulgence of the House whilst he offered a few remarks in support of the amendment offered by one of his colleagues, (Mr. WOODSON,) to those already presented by his friend from Kentucky,(Mr. BRECKENRIDGE,) who had just taken his seat.

In all general propositions, said Mr. SMITH, containing principles offered for legislative sanction, which are to operate as rules of conduct throughout a whole nation, there must necessarily be a concession of judgment and interest to a given extent. Otherwise, in a Government like ours, diversified at first by the hand of nature, propelled by contrarient interests in different directions, and chequered by the operations of municipal

regulations, it would be impossible to advance the great common interest of the nation. It should not, therefore, be expected by the friends of the measure, that the interest and advantage of their immediate constituents alone, are to be consulted; nor should it be concluded by the advocates of the bill, that no other views but their own are worthy of consideration. Upon this floor, continued Mr. S., the feelings and interests of every class are, or should be, represented. It would most surely be unwise, and a violation of our duty, to legislate for the benefit of any class, to the exclusion of all others, unless in some special cases. This, sir, is a proposition to create, by legislative enactment, a uniform system of bankruptcy throughout the United States. The policy, and, in the opinion of some most respectable gentlemen, the necessity, of this measure, grow out of the embarrassments and difficulties of a very large and meritorious class of our fellow-citizens, who have been engaged in commerce. Whilst I admit, said Mr. S., the great advantages which the country has received, and will continue to receive, from the enterprise and industry of commercial men; and whilst I recognise their right to be represented here, and declare my sympathies for their misfortunes, and readiness to lend my aid in all legitimate measures for their relief, I cannot forget that they constitute but a very small portion of the whole community, to all of whom the principle of the bill should be applied, whenever it shall pass into a law.

The avowed object of the bill, sir, is to dissolve from all legal liability for debt the unfortunate man who has been overwhelmed by adversity, and thus redeem him from what has been pronounced cruel, unnecessary, and unmerited vassalage. Why confine the operation of your benign intention to persons designated in the bill? I affect not to know, sir, much about the wants and interests of commerce and trade, in our large cities and seaport towns; but I claim some knowledge of the situation of farmers and other persons not included in the bill, and, without undertaking to say that a bankrupt law is desired by them, I will venture the assertion, that it would be unfair and unequal to pass one without giving them the benefit of it. We are told, continued Mr. S., that commerce and trade demand the passage of this bill. Would you exclude agriculture, sir, upon which they both depend? If, from the operation of causes over which persons engaged in commerce and trade had no control, hundreds and thousands of our fellow-citizens have been ruined and undone, does it necessarily follow that those engaged in agriculture and other pursuits have not met with like calamities? In that country which has honored me with a seat here, and which is essentially an agricultural country, men engaged in commerce and trade do not constitute any thing like a majority of those who ought to be benefited by the provisions of the bill upon your table? From the paper system, which has been sanctioned not only by Kentucky and many other States in the Union, but by the Federal Government itself, many individuals, other than merchants and traders, have been undone, not by adventuring, said Mr. S. beyond their means, in commerce and trade, for the accumulation of wealth and the enjoyment of splendor; not with the hope of buying principalities and erecting palaces; no, sir, by yielding to the influence of those noble and generous feelings which adorn our nature—the feelings of friendship—many beyond the mountains, who, but a little while back, were living upon their farms in ease and independence, if not affluence, have found themselves suddenly ruined, and brought to poverty and want—not by their own prodigality, sir, but by bank endorsements and other securityship—for whom? Men engaged in commerce and trade. Can it be right, sir, can it possibly be right, that he who has been urged on by cupidity or ambition, and in the furtherance of those passions has surrounded himself, in his progress, by individuals drawn to him by feelings of partiality and friendship, when he sinks into ruin, and overwhelms his friends in his fall—can it be right, sir, I ask, to redeem him, and leave them hopeless, despondent, undone? If the individual thus redeemed looks with gratitude and love to his country, what must be the reflections of those whom he has undone, and their country leaves in ruin, when they draw a comparison of their situations? If you strengthen the attachment of the first to his country, you alienate the affection of the other.

The bill should also be clearly retrospective in its operation and power of redemption; otherwise, thousands of meritorious citizens will derive no benefit from its passage; and, if you do interpose, do it efficiently—let us have a general jubilee.

I do not speak, said Mr. S., of the situation of those who wish this law, in the large commercial cities of the Union. I speak of those in the West, the causes of whose embarrassments I better understand, and whose claims to all the advantages proposed by the bill are at least equal to the claims of any other portion of this great community.

In conclusion, sir, there is no punishment unaccompanied with ignominy, which I would not undergo rather than give my support to a measure which, if it does pass, should operate for the benefit and advantage of the whole people, but which, as the bill now stands, will be partial and unjust. I shall, therefore, with great pleasure, vote for the amendment.

Messrs. ROSS and COOK spoke against the motion; when

The question being taken on thus amending the bill, it passed in the affirmative—yeas 86, nays 78, as follows:

YEAS—Messrs. Allen of Massachusetts, Baldwin, Barber of Connecticut, Bateman, Bayly, Bigelow, Borland, Breckenridge, Burrows, Cambreleng, Campbell of New York, Cannon, Causden, Chambers, Cocke, Colden, Condict, Conkling, Crafts, Cushman, Darlington, Durfee, Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Eustis, Findlay, Fuller, Gorham, Hawks, Herrick, Hill, Holcombe, Hubbard, Jackson, F. Johnson, J. T. Johnson, Kent, Keys, Litchfield, Little, McCarty, Metcalfe, Milnor,

Moore of Pennsylvania, Moore of Virginia, Moore of Alabama, Morgan, Murray, Neale, Nelson of Massachusetts, New, Patterson of New York, Pitcher, Plumer of Pennsylvania, Rankin, Rich, Rochester, Rogers, Ruggles, Ross, Russell, Sanders, Sawyer, Scott, Sergeant, S. Smith, J. S. Smith, Sterling of Connecticut, Sterling of New York, Stoddard, Swan, Swearingen, Taylor, Tod, Tomlinson, Tracy, Walker, White, Whitman, Williamson, Woodcock, Woodson, and Wright.

NAYS—Messrs. Alexander, Allen of Tennessee, Archer, Ball, Barber of Ohio, Bassett, Baylies, Blackledge, Blair, Brown, Buchanan, Burton, Butler, Campbell of Ohio, Cassedy, Conner, Cook, Cuthbert, Dane, Denison, Dickinson, Edwards of North Carolina, Floyd, Gilmer, Gist, Gross, Hall, Harvey, Hooks, J. S. Johnston, Jones of Virginia, Kirkland, Lathrop, Leftwich, Lincoln, Long, Lowndes, McCoy, McDuffie, McNeill, McSherry, Mallary, Matlack, Matson, Mattocks, Mercer, Mitchell of Pennsylvania, Mitchell of South Carolina, Nelson of Virginia, Overstreet, Patterson of Pennsylvania, Phillips, Pierson, Plumer of New Hampshire, Poinsett, Reed of Massachusetts, Reid of Georgia, Rhea, Ross, Sloan, Arthur Smith, W. Smith, Alexander Smyth, Stevenson, Tatnall, Thompson, Trimble, Tucker of South Carolina, Tucker of Virginia, Upham, Vance, Van Rensselaer, Van Wyck, Whipple, Williams of North Carolina, Williams of Virginia, Wilson, and Worman.

Mr. FULLER then moved further to amend the said bill, by inserting, after the word "commission," in the 7th line of the 35th section of the printed bill, the following, viz:

"Except, however, all debts from the bankrupt for supplies of provisions, wearing apparel, household furniture necessary for himself and his family, and for laborers' wages; but all such debts shall remain and may be recovered, so much as may be due after any dividend or partial payment therein, notwithstanding the certificate aforesaid, or any thing done pursuant to this act: *Provided, however*, That no single debt, so excepted, shall exceed two hundred dollars."

And on the question to agree to this amendment, it was determined in the negative.

Mr. WALWORTH then moved further to amend the said bill, by inserting, after the word "debts," in the 26th line of the 2d section of the printed bill, the following, to wit:

"And prove to the said judge, by the affidavit of such petitioner or petitioners, or by the oath of one or more credible witness or witnesses, that an act of bankruptcy, as mentioned in the first section of this act, has been committed by the person petitioned against within six months then last past."

And on the question to agree to this amendment, it was determined in the negative.

No further amendment having been offered to the bill, the question recurred upon ordering the bill to be engrossed for a third reading; on which question Mr. RHEA called for the yeas and nays, which were thereupon ordered.

Mr. BUCHANAN, of Pennsylvania, addressed the Chair as follows:

Mr. Speaker: Before the amendment proposed by the gentleman from Kentucky had obtained the sanction of this House, the question whether the bill should be engrossed for a third reading, was one of very great importance. That question has, however, dwindled into insignificance, compared with the one at present under consideration. We are now called upon to decide the fate of a measure of awful importance. The most dreadful responsibility rests upon us. We are not now to determine, merely, whether a bankrupt law shall be extended to the trading classes of the community; but whether it shall embrace every citizen of this Union, and spread its demoralizing influence over the whole surface of society.

The amendment which has been adopted to-day, makes it my imperative duty, even at this protracted period of the debate, to trespass upon the patience of the House. I have the honor, in part, of representing an honest, a wealthy, and a respectable, agricultural community. I owe it to them, to my conscience, and to my God, not to suffer this bill to pass, which I conceive to be now fraught with destruction to their best interests, both moral and political, without entering my solemn protest against its provisions.

We have heard it repeated over and over again, by the friends of a bankrupt bill, that it should be confined to the mercantile classes. One of the principal arguments urged in its favor, by its eloquent supporters, was, that merchants, from the nature of their pursuits, were exposed to the vicissitudes of fortune more than other men; and that therefore their situation required a peculiar system of laws. That, in this country, their fortunes had not only been exposed to the dangers commonly incident to their profession; but, that the commercial regulations of the Government, the embargo, the non-intercourse laws, and finally the war, had brought ruin upon thousands. It was, therefore, inferred, that Congress were under a moral obligation to pass a bankrupt law for their relief.

The policy of all the modern commercial nations in the world, was presented before us for our imitation. England, France, Scotland, Ireland, Holland, and Spain, we had been told, each extended a bankrupt law to the merchant, and absolved him from the payment of his debts, upon certain conditions. Indeed, a great portion of the argument consisted in drawing a line of distinction between traders and the remaining classes of society.

Judge then, Mr. Speaker, of my astonishment, when to-day I found those very gentlemen voting in favor of introducing an amendment, extending the provisions of this bill to every individual in society, who might ask to become its object.

Will you pass a bankrupt law for the farmer? Will you teach that vast body of your best citizens to disregard the faith of contracts? Are you prepared to sanction a principle by which the whole mass of society will be in danger of being demoralized, and it will be left to an election by every man's creditors, in which a majority of two-thirds in number and value, against the consent of the remainder, shall have the power of discharging him from the obligation of all his contracts? Surely the House of Representatives are not prepared to answer these questions in the affirmative. No nation in the world, whether commercial or

agricultural, whether civilized or savage, has ever for a moment entertained the idea of extending the operation of their bankrupt laws beyond the class of traders. Fortunately for our constituents, we have not the power of doing so. The Constitution, correctly expounded, has proclaimed "hitherto shalt thou go, but no farther." Nothing but a desperate effort to revive this expiring bill, could have ever induced its friends to have adopted the amendment which has just now been carried.

In the discussion of this question, I can assure the House, it is not my intention to travel over the ground which has been already occupied, or to repeat the arguments which have been already urged.

The subject naturally divides itself into two questions—the one of Constitutional power, the other of policy. On the first, as the bill stood before the introduction of the last amendment, I had not a single doubt. Much as I would have deprecated the passage of the then bill, I should have been infinitely more alarmed if this House had determined that the enactment of such a law transcended the Constitutional power of Congress. Upon this branch of the subject, the ingenious arguments of the gentleman from Virginia had not created a doubt in my mind. Where doubts before did exist, the argument of the gentleman from South Carolina (Mr. LOWNDES) and of my honorable colleague (Mr. SERGEANT) were, in my opinion, calculated entirely to remove them, and to carry conviction to every understanding.

A new question of Constitutional power has now arisen on the amendment. The Constitution declares that "the Congress shall have power to establish uniform laws on the subject of bankruptcies throughout the United States." To this provision I am willing to give a fair and a liberal construction. Congress have the power to discharge from their debts, on the terms prescribed by the bill, all persons upon whom a law, emanating from this clause of the Constitution, may legitimately act. But can Congress make a law extending the penalties and the privileges of a bankrupt system to every individual in society? Can they embrace in its provisions the farmer, the clergyman, the physician, or the lawyer? Such a proposition was never seriously contended for before this day.

By considering the meaning of the term *bankrupt*, we shall be able at once to solve the difficulty. In adverting to its origin, we find the literal signification of the word to be a broken counter; which by a figure of speech has been applied in our language to a broken merchant. In the commercial laws of all the nations of the continent of Europe, bankruptcy is confined to merchants, in the strictest sense of the word. The operation of the bankrupt laws of England has been extended, by judicial construction, somewhat further; and they now embrace within their grasp not only the merchant, properly so called, but all persons who are traders, and are concerned in buying and selling any kind of merchandise, unless they have been expressly excepted by some positive legislative provision. This exposition of the law extends not only to those who sell any commodity in the same State in which they purchased it, but also to the manufacturer and the mechanic who bestow upon it their favor and their skill, and thus render it more valuable. The bill as it formerly stood confined itself strictly within this range. Indeed it was more circumscribed as to the persons on whom it would have operated than the bankrupt laws of England.

I am willing then to expound the power of Congress upon the subject literally. In construing the Constitution, Congress ought not to be fettered by nice technical rules. I admit that they have the power, whenever they think proper to call it into exercise, of establishing a system of bankruptcy which shall embrace all persons who have ever been embraced, even by the bankrupt laws of England. Further than this they cannot proceed, without extending the plain meaning of the word *bankruptcy* as it has been received by every commercial nation of Europe, and violating both the letter and the spirit of the Constitution.

In making this admission, I am sensible that many may suppose I am giving a latitude of construction to the instrument which is not warranted by its spirit. The authority "to establish uniform laws on the subject of bankruptcies throughout the United States" is contained in a clause of the Constitution which immediately follows that "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The power over bankruptcy evidently originated from, and is closely connected with that over commerce. This commerce, which Congress has the power of regulating, is chiefly if not exclusively conducted by merchants in the strictest sense of the term, and principally by that class of them denominated importers. They are the men most exposed to the vicissitude of trade, and on that account are more properly the objects of such a law than people of any other description. It might therefore with much plausibility be contended that the power of Congress over bankruptcy is confined to that description of merchants.

Another argument, which would give additional strength to this construction, arises from the general spirit of the federal institutions. They do not propose to embrace the internal policy of the States. The jurisdiction of the federal courts is confined by the Constitution to controversies between citizens of different States, and between foreigners and citizens of the United States. To such suits the merchants who carry on the intercourse with foreign nations, and between the different States, are most generally parties.

The object which I have in view in using these arguments is not to prove that the Constitutional power of Congress is confined to such merchants; but to show that it is contrary to the nature and the spirit of our Government to extend it to all classes of people in the community. The bill as it stood before the amendment went quite far enough. It would even then have brought the operation of the law and the jurisdiction of the federal courts into the bosom of every community. The bill, however, as it now stands, if it should pass, will entirely destroy the symmetry of our system

and make those courts the arbiters in almost every case of contract to which any member of society, who thinks proper to become a bankrupt, may be a party. It will at once be, in a great degree, a judicial consolidation of the Union. This was never intended by the framers of the Constitution. Some of the terrible evils which would flow from such a system I shall have occasion to delineate, when I come to speak of the policy of its adoption.

Before, Mr. Speaker, I proceed to expose to the view of the House those objections against this bill which have presented themselves with peculiar force to my mind, permit me to answer some of the principal arguments which have been urged in favor of its passage. My friend and colleague from Pennsylvania, in his concluding speech, has made such a clear, forcible, and eloquent argument in favor of the bill, that I fear it has produced a considerable effect. Upon this occasion he was listened to, as he always is, and always deserves to be, with the most profound attention. It is painful for me to be under the necessity of differing from him in opinion, and when I do so, I am almost inclined to distrust my own judgment. Nothing, therefore, but an imperative sense of duty could have induced me to take any part in the debate upon the present occasion.

It has been urged that, as the framers of the Constitution gave to Congress the power of passing a bankrupt law, we are bound to put that power into practical operation, and not suffer it to remain dormant.

In answer to this argument I would reply, that power and duty are very different in their nature. Power is optional; duty imperative. The language of power is that you may, that of duty you must. The Constitution has, in the same section, and in the same terms, given to Congress the power to declare war, to borrow money, to raise and support armies, &c. Will any gentleman, however, undertake to say, we are under an obligation to give life and energy to these powers by bringing them into action? Will it be contended that, because we possess the power of declaring war and borrowing money, that we are under a moral obligation to embroil ourselves with foreign Governments, or load the country with a national debt? Should any individual act upon the principle that it is his duty to do every thing which he has the legal power of doing, he would soon make himself a fit citizen for a madhouse.

Power, whether vested in Congress or in an individual, necessarily implies the right of exercising a sound discretion. The Constitution was intended not only for us, and for those who have gone before us, but for generations yet to come. It has vested in Congress ample powers, to be called into action whenever, in their sound discretion, they believe the interest or the happiness of the people require their exertion. We are, therefore, left to exercise our judgment on this subject, entirely untrammelled by any Constitutional injunction.

It has been said that the passage of such a bill as the one now before us is necessary, on account of the numerous frauds which are perpetrated under the insolvent laws of the States, and the preference which they authorize a failing debtor to give to particular creditors.

From the forcible manner in which this argument has been urged, one would be induced to suppose that the legislative authority of the States, upon this subject, had been entirely prostrated by the decision of the Supreme Court of the United States, in the case of Sturges *vs.* Crowninshield. This is, however, altogether a mistake. The citizens of the States have not been left exposed to the mercy of fraudulent debtors. They can look to their own Legislatures for relief. Their power to pass bankrupt laws is as ample within their several States as that of Congress, with one single exception: which is, that such laws shall not contain a provision "impairing the obligation of contracts." This tremendous power the people have decreed that the States shall not exercise. With the exception, therefore, of that portion of this bill which discharges a bankrupt from his debts, the Legislatures of the several States might, if they thought proper, enact all its provisions. They have the same power to pass every law for the prevention and punishment of the frauds of insolvent traders which Congress possess. They can equally annul all preferences which a failing debtor may give to a favorite creditor, whether by deed of trust, by judgment, or in any other manner. This principle is expressly recognised in the opinion of the Supreme Court of the United States in the case which I have cited. There is then no necessity that Congress should interfere for the purpose of securing the creditor; yet this has been urged as one of the principal reasons in favor of the passage of a bankrupt bill.

It cannot be denied that many of the States have neglected to exercise the authority which they fully possess over this subject. In the State, one of whose representatives I have the honor to be, a failing debtor of every description possesses too much power in the distribution of his property. He may, if he chooses, secure one creditor at the expense of all the rest. He is the sole judge of the propriety of any preference which he may think proper to make. The Legislature of that, and of every other State where a similar evil exists, can however apply the remedy, if they think proper. Why then has it been urged upon us, that it is absolutely necessary Congress should pass this bill, to secure creditors against the frauds and the preferences which exist under the insolvent laws of the States, when the States themselves possess ample powers to attain the same ends?

It has been said, truly, that Congress alone can pass a bankrupt law which will be uniform over the United States. But, I would ask, whether the benefits resulting from the uniformity which the law must possess would not be more nominal than real, whilst, on the other hand, it would be a source of the most serious inconveniences? Is it correct legislation to force upon the citizens of one State a system of internal policy, deeply affecting the rights

of creditor and debtor, which may be ruinous and demoralizing to them, because it may promote the prosperity of another State? All laws should be adapted to the character and to the habits of those on whom they are designed to operate. Upon this principle of uniformity, which must be introduced into any bill that you have the power of passing, you are obliged to adapt your citizens to the law, not the law to your citizens. Will any gentleman say, that the same internal political regulations, respecting creditor and debtor, should exist in each of the States composing this vast Union? For example, would the same laws be suited to the manners and to the habits of the citizens of Louisiana which might be beneficial in the State of Maine? This necessity for uniformity, in legislating upon the subject of bankruptcy, reminds me of the bed of Procrustes. He made every person of every size fit it. If they were too long for its dimensions, he lopped off their limbs; if too short, he stretched them to the proper length.

The uniformity which must exist in any law that we have the power of passing, shows, in a forcible point of view, the propriety of State legislation upon the subject, in preference to that of Congress, it will be better adapted to the peculiar habits of the citizens of the respective States.

It has been urged, as an objection to State legislation, that, as they can pass no law impairing the obligation of contracts, they cannot discharge a bankrupt from his debts. This is certainly true. If, therefore, it be deemed proper that the States should possess that power, it can be bestowed on them by an amendment to the Constitution.

On this part of the subject I am much obliged to my honorable colleague for the clear and forcible distinction which he has drawn between contracts, and the means of enforcing them—between rights and remedies. This distinction is also precisely marked in the opinion of the court in the case of Sturges and Crowninshield. The States, it is true, cannot impair the obligation of a contract, but they possess a discretionary power, to a considerable extent, in modifying the remedy of the creditor. I have been informed that no species of execution in Rhode Island will touch the debtor's real estate, yet the law of that State, in this respect, has never been supposed to be unconstitutional. Why then might not the States, if they thought it politic, declare, that, after a debtor had fairly relinquished all his property for the benefit of his creditors, in such a manner as might be directed by law, their process of execution should not be used by a vindictive creditor against the acquisitions of his debtor for a certain number of years, and then only against a part of them, and for the common benefit of all the creditors? If such a provision, or one of a similar nature, be Constitutional—and I confess I can perceive no reason, founded either upon principle or precedent, sufficient to convince me that it would not—the States already possess the power of relieving an honest bankrupt to a considerable extent. This is however, a delicate subject, on which I wish to express no decided opinion. How far a State may proceed constitutionally, in controlling the process of her own courts, has never yet been determined. The precise point, at which the power of regulating the process would interfere with the prohibition against impairing the obligation of the contract, will be difficult to ascertain.

The advocates of this bill have presented it to us in the garb of a political experiment. Say they, its duration is limited to the term of three years. It must then die, unless its existence shall be prolonged by the joint act of all the legislative departments. Its enemies, therefore, ought not to apprehend serious evils from its enactment.

In answer to this suggestion, it may be observed, that legislative experiments should be tried with extreme caution. An act may expire in three years by its own limitation; you may repeat it at the end of one, should its operation be found injurious, but yet its pernicious influence may last for ages. If, by expunging a law from your statute book, you would efface its effects from the human mind, or withdraw its influence from the human character, then, indeed, experiments in politics would be as harmless as those in philosophy. This, however, is not the case. We all agree that the bill, if it should pass, is what may, with propriety, be called a strong measure. It is not a mere theory. Its effects upon society will be immediate, and either good or evil to a great extent. Whether, therefore, it shall continue but three years, or be perpetual, ought not much to influence the decision of the question.

The experience of other countries, respecting bankrupt laws, has been introduced into this argument by the friends of the bill, for the purpose of furthering their views, whilst, on the other hand, its enemies have contended, that the practical operation of the bankrupt law of England, and of that one which heretofore existed in this country, present powerful reasons against the passage of this bill. Into this controversy I will not enter, because the subject has been already fully discussed. There is, however, one event in the history of Pennsylvania which speaks volumes against the passage of this bill. On the 13th March, 1812, the Legislature of that State, after much solicitation, passed a bankrupt or insolvent law, under the provisions of which debtors were to be relieved from the obligation of their contracts. The operation of this act was confined to the city and county of Philadelphia. It was there that the commerce of the State was chiefly conducted, and it was there the merchants resided who were most liable to be ruined by the fluctuations of trade. If there ever was a place where a fair experiment could have been made of the effects of such a law, Philadelphia was peculiarly that place. What was the consequence? The act would have expired by its own limitation on the 1st of April, 1814, but it was not suffered to exist one month beyond the next meeting of the Legislature after its passage. It was repealed on the 21st December, 1812. I am now informed, by my colleague, (Mr. Brown,) who was then a member of the Legislature, that the representatives from that district, who, but a few months before, had strained every nerve to procure the passage of the bill,

were the most active in obtaining its repeal. On the very first day of the session they presented a great number of petitions from their constituents, praying that the law might no longer be suffered to exist. Such were its baneful effects in so short a period of time. Whilst on this part of the subject I will merely add, that this law was repealed long before the Supreme Court of the United States had decided that the States had not the power of introducing into a bankrupt law a clause discharging the bankrupt from his debts. Before this decision was made, the Supreme Courts, both of New York and Pennsylvania, had held a contrary doctrine.

I shall now proceed to lay before the House my objections to the passage of this bill. As it now stands, certain classes of society are exposed to its adverse operation, upon the commission of any of the acts of bankruptcy, described in its first section. Every individual in the community, including those embraced by the bill previous to the late amendment, may become voluntary bankrupts.

It will be necessary here briefly to inquire who may be declared bankrupts against their will. The adverse operation of the law will not be confined to wholesale and retail merchants, strictly speaking, and to dealers in exchange, bankers, brokers, factors, underwriters, and marine insurers. By the construction which has been placed upon the words "other person, actually using the trade of merchandise, by buying and selling, in gross or by retail," not only every dealer in any article, but every manufacturer or mechanic who purchases any material, bestows his skill and labor upon it, and sells it in its improved state, falls within the compulsory branch of this bill, unless expressly excepted by the proviso in its first section. Thus, the distiller who purchases grain, converts it into whiskey, and sells the whiskey, would clearly be within its operation. The miller, also, who buys wheat, and sells it converted into flour, may be declared a bankrupt against his will. These cases are cited only as examples to illustrate the general rule. Each individual member can imagine many others.

I will now proceed to that which strikes my mind as a radical objection to the existence of this or any other adversary bankrupt bill in the United States. It arises from the nature of our free institutions, and is one that exists in no other country on the globe. It springs out of the best principles of the Federal Constitution, and it cannot be removed without expunging them from the instrument.

In what manner is a person to be declared a bankrupt by the bill now before the House? On the petition of any creditor, accompanied by an affidavit of the truth of his debt, the Circuit or District Judge of the United States is authorized to issue a commission of bankruptcy. The alleged bankrupt may, however, appear before the commissioners, deny that he has committed any act of bankruptcy, and demand a trial by a jury of his country, before the Judge who issued the commission. This is a right of which he cannot be deprived by the power of Congress. In the emphatic language of the Constitution, "he shall not be deprived of his life, his liberty, or his property, without due process of law."

This trial before the Circuit or District Judge may, and probably will, in a majority of cases, be delayed for years, before its final termination. In free governments we cannot move with the celerity of despotism. During its pendency, what becomes of the property of the alleged bankrupt? He cannot be dispossessed of it under the Constitution of the country, or by the provisions of this bill, until the jury shall have convicted him of some one of the acts of bankruptcy described in its first section. But, although it cannot be wrested from him until after the event, yet the moment the commission issues, he, in effect, loses all control over his estate. The reason of this is, that, by the provisions of the bill, all intermediate dispositions made by the debtor of his property are absolutely void, should he finally be declared a bankrupt. No person, therefore, could, with safety, in the meantime, enter into any contract with him, on purchase any part of his estate. From the very nature of an adverse bankrupt system, this must necessarily be the case. If it were not, every man charged with having committed an act of bankruptcy would demand a trial by jury before the District or Circuit Judge of the United States; so that, during its pendency, he might have an opportunity to dispose of his property as he thought proper. This would be giving a legal sanction to the very evil which the friends of the bill say it is chiefly intended to remedy.

What, then, is the situation in which the bill places every man within its adverse provisions? Any of his creditors, or pretended creditors, by making an *ex parte* affidavit of the truth of his debt, without even proving, by his own oath, or otherwise, any act of bankruptcy against him, may bring upon him inevitable and overwhelming destruction. If envy or malice against him rankles in the soul of any enemy, who either is his creditor, or who will swear that he is, that enemy may wreak his vengeance to the full extent of his wishes, by having a commission of bankruptcy issued against him. The commission itself would be the death warrant of his property, notwithstanding his property may have been sufficient to discharge his debts, and he may have been guilty of no act of bankruptcy. If he submits to the commission, his credit is gone and his power of exertion is at an end, until he shall have obtained his final discharge. If he does not, and demands a trial, he is, during its pendency, in the situation of Tantalus in the infernal regions. Although he may be surrounded by all the comforts of life and the means of extricating himself from his difficulties, he has not the power of using them. If he should be a merchant, his counting-house must be closed and his capital remain idle, awaiting the result of a tedious lawsuit. If he be a farmer, who has carried on a distillery, or who has been a miller, or retail merchant, he cannot dispose of an acre of his land, or any of his personal property, until the controversy is determined. Whether, therefore, he submits to the commission

or does not, if he be an honest man he is exposed to inevitable ruin. If he be a fraudulent debtor, the delay of the trial will afford him ample time and opportunity to secrete his property, and place it beyond the reach of his creditors; and, in this situation, he will have the strongest temptation to be guilty of fraud.

The bankrupt law of England, the model from which the present bill has been drawn, provides an effectual remedy for this evil. It is one, however, which we have no Constitutional power to adopt, and, if we had, it would be repugnant to every feeling of the hearts of freemen. In that country the bare issuing of the commission is itself equivalent to an execution. The debtor is at once deprived of the possession of all his property, and it is vested in the commissioners. Although he may declare that he has never been guilty of an act of bankruptcy, and petition for a trial, he petitions in vain. The iron hand of the law is upon him, and no innocence can elude its grasp. In that country, the law declares that "caveats against commissions are not allowed, for they give too much time to a fraudulent debtor." The proceedings under it resemble those of the judges in the infernal regions who first condemn and afterwards hear. They first deprive a man of all his property, by virtue of the commission, and, after the evil has been done, allow him to apply to the Chancellor to have it superseded.

From the nature of those Governments on the continent of Europe, under whose dominion bankrupt laws prevail, and from the peculiar character of those laws, and of the commercial tribunals by whom they are administered, the same evils do not exist. I will not exhaust the patience of the House by detailing their different provisions.

It may be said that, as the bill provides that the petitioning creditor, before the commission can issue, shall give bond, to be taken by the circuit or district judge, in such penalty and with such surety as he may direct, conditioned that the obligor shall prove the debtor to be a bankrupt, he will be enabled to recover damages to the extent of any injury which he may sustain, in case the condition of the bond should be violated.

This remedy, from its nature, could be no compensation for the injury sustained. To inform a man, after he had been arrested in the pursuit of his business by a commission of bankruptcy; after his prospects in life had been blasted; after his credit had been destroyed; and after he had been pursued for years in a course of litigation, which had terminated in his favor, that he might then enter upon another law-suit and bring his action upon the bond, would be laughing at his calamity. This would present no prospect of indemnity, even if the obligors should be solvent; but, from the ignorance of the judges, so far removed from the people as those of the United States necessarily are, respecting the solvency of the sureties, and from the lapse of time which must transpire before any suit could be sustained upon the bond, it would in most instances, be of little or no value.

These, then, would be the effects of the bill on the persons within its adverse operation.

Let us next inquire what would be the moral and practical effects of this bill, with the amendment just adopted of the gentleman from Kentucky. Should it pass in its present shape, I shudder at the consequences. How will it affect the great agricultural interest of the country? I have the honor, in part, to represent a district chiefly composed of farmers. They are honest, they are industrious, and they esteem their contracts to be sacred and inviolable. The word of most of them, could their existence be perpetuated, binds them as forcibly as their bond. Have they, or have any other agriculturists over the whole range of this extensive Union, asked you to pass a bankrupt law in their favor? Have they ever petitioned you to discharge them from the obligation of their contracts, which they feel themselves as much bound in conscience as in law to perform? It is certain that many honest and respectable men of that valuable class of society have been unfortunate, and I pity them from my inmost soul; but, I beseech you, spare them from a law for which they have never asked, and which would tempt them to add guilt to misfortune.

What would be the necessary operation of such a law, when brought home to them and to every other member of society? Once declare that contracts shall be no longer sacred; that any debtor, whether he has been a trader or not, by complying with the provisions of the law, may have an election held by his creditors, and if two-thirds of them in number and value consent, may be relieved from all his debts against the will of the remainder; and you make a direct attack on the first principles of moral honesty, by which the great mass of the people have been hitherto directed. Let a bankrupt be presented to the view of society, who has become wealthy since his discharge, and who, after having ruined a number of his creditors, shields himself from the payment of his honest debts by his certificate, and what effects would such a spectacle be calculated to produce? Examples of this nature must at length demoralize any people. The contagion introduced by the laws of the country, would, for that very reason, spread like a pestilence, until honesty, honor, and faith, will at length be swept from the intercourse of society. Leave the agricultural interest pure and uncorrupted, and they will forever form the basis on which the Constitution and liberties of your country may safely repose. Do not, I beseech you, teach them to think lightly of the solemn obligation of contracts. No Government on earth, however corrupt, has ever enacted a bankrupt law for farmers, it would be a perfect monster in this country, where our institutions depend altogether upon the virtue of the people. We have no Constitutional power to pass the amendment proposed by the gentleman from Kentucky; and, if we had, we never should do so, because such a provision would spread a moral taint through society which would corrupt it to its very core.

There is another point of view in which this bill, in its practical effects, would be intolerable. The jurisdiction of federal courts over citizens of the United States is now chiefly confined to con-

troversies existing between the citizens of different States. This bill, if it should become a law, will amount to almost a judicial consolidation of the Union. The litigation which will arise out of it, and which, by its provisions, must be exclusively determined by the federal courts, will embrace a large portion of the citizens of every State, either as parties or witnesses.

The numerous acts of bankruptcy described in the bill, many of which depend altogether upon the intention of the party charged with having committed them, would form the first ample source of exclusive federal jurisdiction.

By the fifty-sixth section it is provided that any creditor of a bankrupt, appearing before the Commissioners, may, at his election, have the validity of his claim determined in the circuit court of the district in which the bankrupt resides. The same privilege is extended to the assignees objecting to the validity of any claim upon the bankrupt, presented before the Commissioners; in this manner every law suit which could arise in the settlement of a bankrupt's estate, respecting the demands of any of his creditors, would be drawn into the circuit court for decision. This would be the case whether he became a bankrupt voluntarily or by compulsion, and without any regard either to his occupation or place of residence, or that of his creditors. The whole structure of the National Judiciary would thus be changed. It would then possess jurisdiction, not only over controversies arising between citizens of different States, but over an immense number of those existing between citizens of the same State.

It would be tedious to enumerate, and perhaps impossible to foresee, all the controversies which, under the provisions of this bill, must exclusively be determined by the federal courts. The sixty-third section contains a sweeping clause upon this subject. It provides "that, except in the cases 'which are in this act otherwise specially provided 'for, if any bankrupt, or any assignee or assignees, 'creditor or creditors, or any other person, shall 'conceive himself, herself, or themselves, aggrieved 'by any examination, order, decision, denial, or 'other proceeding of the Commissioners, under 'any commission, or any act, proceeding, refusal, 'neglect, or omission of the bankrupt, or any as-'signee or asignees, or creditor or creditors, under, 'or by virtue of this act," such person may petition the circuit court, for the district where the commission issued, or either of its judges, for relief. The court, or the judge, is then bound to take cognizance of the complaint, and, at the election of either party, direct any facts in controversy to be tried by a jury.

In the State of Pennsylvania there are but two district courts of the United States, the one located in the city of Philadelphia, the other in the city of Pittsburg. The distance between these two places is three hundred miles. The inconvenience and expense to the people, from every section of the State of attending those two courts, as parties, and as witnesses, would be an intolerable grievance. Under the provisions of this bill, however, such attendance must necessarily be a matter of daily occurrence. The people are already sufficiently harassed, by being obliged to be present at the courts within their own counties; but, if you compel them to travel to the federal courts, from one extremity of a large State to the other, it would be an evil scarcely to be endured. The same inconveniences will exist in every other State in the Union, but they will be felt in a greater degree by the people of the larger States. This is another radical objection against the passage of a bankrupt bill by Congress. It is one which cannot be renewed, because it results from the organization of the federal courts under the Constitution, and the allotment of judicial power between them and the courts of the several States. It demonstrates, however, that the power to pass bankrupt laws could be exercised by the States much more conveniently for the people, than by the General Government.

Another serious objection to the passage of the bill, is its manifest tendency to increase the perpetration of fraud. It is true, it has been strenuously maintained by its friends, that it will, in a great degree, repress that evil. Has the experience of England justified them in making this prediction? Does not the testimony which has been taken before the committee of the House of Commons prove clearly the contrary? Indeed, so pressed down with its weight was my honorable colleague, (Mr. S.,) that he was obliged to attribute the innumerable frauds which had been committed under the bankrupt law of that country, not to the operation of the law itself, but to the general corruption which prevailed among the people. This bill, should it become a law, must be productive of innumerable frauds, unless it will have the power of changing the nature of man, and rendering him the less criminal because he is the more tempted. He who created man, and therefore best knew his heart, directed him to pray that he might not be led into temptation. This bill informs the debtor that, if he will conform to its provisions, he shall obtain a certificate which will discharge him from all his debts. The State insolvent laws declare to him that, when he has given up all his property for the use of his creditors, he has done no more than his duty, and that his future acquisitions shall be answerable until his debts are paid. If a debtor can pass the ordeal of this bankrupt law, and obtain his certificate, he may then in security enjoy that property which successful fraud has enabled him to conceal. Under the State insolvent laws, however, he must know that the moment his concealed property is brought to light, it is liable to be seized by his creditors. Whilst, therefore, a bankrupt law holds out every temptation to make the debtor dishonest, an insolvent law presents him no such inducement. Indeed, his true policy is directly the reverse. Upon his good and fair conduct, and the consequent favorable regard of his creditors, depend his hopes of a discharge.

It is true, that by this bill a bankrupt cannot obtain a discharge from all his debts, unless by the consent of two-thirds of his creditors in number and value. In theory this would appear to present

a considerable difficulty in the way of obtaining a certificate. In practice, under the English bankrupt laws, it has been found more nominal than real. Indeed, but few instances have, I believe, occurred in the history of their bankrupt laws, in which consent has not been obtained. In this country, under our judiciary system, it would, perhaps, be still easier for the bankrupt to escape from his debts. He himself, if he be fraudulently disposed, can, by his own act, create as many creditors as he chooses. If the assignees or the other creditors think proper to dispute the claims of those believed to be fraudulent, they may insist upon having a trial by jury before the circuit court. Where the bankrupt has little or no property to divide, as would be the case in most instances, neither his assignees nor honest creditors would incur the expense and trouble of carrying on a lawsuit, perhaps a hundred miles from home, to disprove any debt presented before the commissioners. Even should they think proper to do so, it would be difficult to accomplish it, if the fraud had been conducted with any art; because, in the law, fraud is never to be presumed, but must be clearly proved.

The evils which would flow from the retrospective operation of this bill I shall not touch; they have already been ably and eloquently descanted upon by others.

I shall now come to my concluding argument against the passage of this bill. It would tend again to arouse the spirit of wild and extravagant speculation, which has spread distress far and wide over the land. It will tend again to produce those very evils for which its friends say it is intended to provide a remedy.

What has been the history of this country? Upon this subject let us not turn a deaf ear to the dictates of experience. It is the best teacher of political wisdom.

Under our glorious Constitution, the human mind is unrestrained in the pursuit of happiness. The calm of despotism does not rest upon us. Neither the institutions of the country, nor the habits of society, have established any *castes* within the limits of which man shall be confined. The human intellect walks abroad in its majesty. This admirable system of government, which incorporates the rights of man into the Constitution of the country, developes all the latent resources of the intellect, and brings them into active energy. The road to wealth and to honor is not closed against the humblest citizen; and Heaven forbid that it ever should!

It is, however, the destiny of man to learn that evil often treads closely upon the footsteps of good. The very liberty which we enjoy, unless we are restrained by the dictates of morality and of prudence, has a tendency to make us discontented with our condition. It often produces a restless temper, and a disposition to be perpetually changing our pursuits, for the purpose of becoming more wealthy or more distinguished. The frame of mind produced by freedom, if kept within proper bounds, is a source of the greatest advantages to individuals and to society; if unrestrained and suffered to run wild, it leads to every species of extravagance and folly.

A few merchants, both in the cities and in the country, have amassed splendid and princely fortunes. These have glittered in the fancy of the thoughtless and unsuspecting countryman, and have roused his ambition or his avarice. He never calculated that it requires a union of considerable parts with great experience to make an accomplished merchant; and that, with all these advantages, but few comparatively are successful. His son is taught book-keeping at a country school, and then he abandons the pursuit of his fathers. He leaves the business of agriculture, which is the most peaceful, the most happy, the most independent, and, I might add, the most respectable, in society, to become a merchant. He spurns the idea of treading in the path of his ancestors, and acquiring his living by the sweat of his brow. Wealth and distinction have become his idols, and have turned his brain.

Is not this the history of thousands in our country within the last twenty years? It was not difficult to predict what would be the melancholy catastrophe. Bankruptcy and ruin have fallen upon the thoughtless adventurers.

Happy would it have been for the country had this spirit of speculation confined itself to the farmer who turned merchant. We have witnessed it spreading over every class of the community. We have, in innumerable instances, seen the plain, sober, industrious, and experienced farmer, converted into a speculator in land and in stocks. We have lived in a time when the foundations of society appeared to be shaken, and when the love of gain seemed to swallow up every other passion of the heart. This disposition gave birth to the hundreds and the thousands of banks which have spread themselves over the country. Their reaction upon the people doubled the force of the original cause which produced them. They deluged the country with bank paper. The price of land rose far beyond its real value; it commanded from $200 to $400 per acre in many parts of the district which I have the honor, in part, to represent; and I know one instance in which a man agreed to give $1,500 per acre for a tract of land, which he afterwards laid out in town lots. He sold the lots at so large a profit that he would have accumulated an independent fortune by the speculation, had not the times changed, and the lot-holders, in consequence, been unable to pay the purchase money.

This universal delusion has vanished; the enchantment is at an end; the people have been restored to their sober senses. In the change, which was rapid, many honest and respectable citizens have been ruined. Among many, misery and want have usurped the abodes of happiness and plenty. I most sincerely deplore their situation; but, as legislators, we should also have some compassion on the community. Experience has taught us a lesson which, I trust, we shall never forget—that a wild and extravagant spirit of speculation is one of the greatest curses which can pervade our country. Do you wish again to rouse it? Do

you wish again to witness the desolation which it has spread over the land, and which we are now slowly repairing? Then pass this bankrupt bill. Inform the farmer, who is now contented and happy, and whom experience has taught the danger of entering into trade, that he may become a merchant or a landjobber; that he may proceed to any excess he thinks proper; that he need confine the extravagance of his speculations within no other limit but the extent of his credit; that if, at last, he should be successful, unbounded wealth will be his portion—if not, the law will discharge him from all his debts, and enable him to begin a new career; hold out a lure to all the industrious classes in society to abandon their useful and honorable pursuits, and enter into speculation of some kind or other, by proclaiming it as the law, that, if they should prove unsuccessful, their debts shall be cancelled, and they shall be restored to their former situation. Such a law would present the strongest temptations to every man in society to become indolent and extravagant, because every man in society is embraced by its provisions. In this respect it is as novel as it is dangerous. Rest assured, Mr. Speaker, that our population require the curb more than the rein. If you hold out such encouragement to unbounded speculation as this bill presents, we shall, before many years, see all the occurrences again presented before us which have involved the country in unexampled distress.

The time may come, ages hence, when a bankrupt law may become necessary for the encouragement of commerce. History has instructed us that nations, like men, rise, and flourish, and decay. At present our population possesses all the vigor and enterprise of youth. The stimulus of such a bill would drive us on to madness. It would be putting into the hands of Phæton the reins of the chariot of the sun. The day will come, but I trust it is now far distant, when old age shall fall upon us as a nation—when wealth shall beget luxury and corruption—and when we shall be enfeebled in all our exertions. Then it may be necessary to hold out extraordinary allurements to commercial enterprise. When that day shall arrive; when our country shall be sinking into decline; when her energies shall be paralyzed; and when, perhaps, a new Republic, vigorous as ours is at present, may be her competitor in commerce, then, and not till then, will it be necessary that Congress should exercise the power vested in them by the Constitution, and pass uniform laws on the subject of bankruptcies.

When Mr. B. had concluded—

Mr. WRIGHT replied.

To put an end to further discussion of the subject, Mr. TAYLOR remarked that he felt it his duty to call for the previous question, and, on motion, it was decided in the affirmative—yeas 96.

At the suggestion of Mr. NELSON, of Virginia, Mr. CAMBRELENG moved for a reconsideration of the vote for the previous question just taken; but the House refused to reconsider the same—yeas 69, nays 83.

The main question was then ordered, and was put, on reading the bill a third time, and decided in the negative—yeas 72, nays 99, as follows:

YEAS—Messrs. Allen of Massachusetts, Baldwin, Barbour of Connecticut, Bayly, Bigelow, Borland, Breckenridge, Burrows, Cambreleng, Campbell of New York, Causden, Cocke, Colden, Conkling, Crafts, Cushman, Darlington, Denison, Durfee, Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Eustis, Farrelly, Findlay, Fuller, Gorham, Hawks, Herrick, Hill, Holcombe, Hubbard, Jones of Tennessee, Kent, Kirkland, Little, McCarty, Milnor, Montgomery, Moore of Pennsylvania, Moore of Virginia, Moore of Alabama, Neale, Nelson of Massachusetts, Patterson of New York, Pitcher, Poinsett, Rich, Rochester, Rogers, Ruggles, Russ, Russell, Sawyer, Sergeant, S. Smith, J. S. Smith, Sterling of Connecticut, Sterling of New York, Stoddard, Taylor, Tod, Tomlinson, Tracy, Van Rensselaer, White, Whitman, Williamson, Wood, Woodson, and Wright.

NAYS—Messrs. Alexander, Allen of Tennessee, Archer, Ball, Barber of Ohio, Bassett, Bateman, Baylies, Blackledge, Blair, Brown, Buchanan, Burton, Butler, Campbell of Ohio, Cannon, Cassedy, Chambers, Condict, Conner, Cook, Cuthbert, Dane, Dickinson, Edwards of North Carolina, Floyd, Gilmer, Gist, Gross, Hall, Hardin, Harvey, Hobart, Hooks, Jackson, F. Johnson, J. T. Johnson, J. S. Johnston, Jones of Virginia, Keyes, Lathrop, Leftwich, Lincoln, Litchfield, Long, Lowndes, McCoy, McDuffie, McNeill, McSherry, Mallary, Matlack, Matson, Mattocks, Mercer, Metcalfe, Mitchell of Pennsylvania, Mitchell of South Carolina, Morgan, Murray, Nelson of Virginia, New, Newton, Overstreet, Patterson of Pennsylvania, Phillips, Pierson, Plumer of New Hampshire, Plumer of Pennsylvania, Reed of Massachusetts, Reid of Georgia, Rhea, Ross, Sanders, Scott, Sloan, Arthur Smith, W. Smith, Alexander Smyth, Stevenson, Stewart, Swan, Swearingen, Tatnall, Thompson, Trimble, Tucker of South Carolina, Tucker of Virginia, Upham, Vance, Van Wyck, Walker, Walworth, Whipple, Williams of North Carolina, Williams of Virginia, Wilson, Woodcock, and Worman.

So the bill was rejected. And then the House adjourned.

WEDNESDAY, March 13.

Mr. SERGEANT, from the Committee on the Judiciary, who were instructed, on the 14th ultimo, to inquire into the expediency of permitting aliens, who resided within the limits and jurisdiction of the United States one year immediately preceding the declaration of the late war between the United States and Great Britain, and who have continued to reside within the same, to become citizens without a compliance with the first condition specified in the first section of the act entitled "An act to establish an uniform rule of naturalization," approved April 14th, 1802, made a report thereon; which was read, and committed to the Committee of the whole House on the state of the Union.

Mr. SERGEANT, from the same committee, also reported a bill to authorize the Secretary of State to issue letters patent to Frederick S. Warburg; which bill was read twice, and committed to a Committee of the whole House to-morrow.

Mr. GILMER submitted the following resolution, viz:

Resolved, That the Secretary of State be instructed to report to the House of Representatives, what evidences of claims, recorded in the office of the Department of State, in pursuance of the act of Congress, passed 31st March, 1814, providing for the indemnification of certain claims of public lands in the Mississippi Territory, remain in that office, after having been rejected by the commissioners appointed under that act; whether the Secretary of State has refused to deliver up such evidences of claims to the claimants, together with the reasons of such refusal, specifying the names of such claimants as applied to withdraw their evidences of claims.

The resolution was ordered to lie on the table one day.

Mr. EDWARDS, of North Carolina, moved for the consideration of the joint resolution from the Senate, now lying on the table, for fixing a time for the adjournment of Congress, which motion was negatived—the House refusing to consider it.

RULES OF THE HOUSE.

On motion of Mr. NELSON, of Virginia, the House went into the consideration of the report of the select committee appointed to revise and alter the standing rules and orders of the House.

The first alteration proposed in the report, was of the 16th rule, so as to substitute Maine for New Hampshire, in the order of calling petitions.

The alteration was supported by Mr. NELSON, of Virginia, Mr. HILL, and Mr. SMITH, of Maryland, and opposed by Mr. MCCOY, Mr. TUCKER, of Virginia, Mr. WOODCOCK, and Mr. MALLARY, when the question was taken and the alteration adopted.

Another alteration was proposed to the 16th rule in relation to the presentation of petitions, forbidding the same, after thirty days from the commencement of the session, except on the first day of the meeting of the House in each week.

Mr. CAMPBELL, of Ohio, moved to erase the word "thirty" and in lieu thereof to insert the word "fifty."

Messrs. RHEA, and WILLIAMS, of North Carolina, were disposed to non-concur altogether with the proposed amendment. They considered it as an improper curtailment of the right of petitioning. After some further remarks by Messrs. NELSON, of Virginia, MERCER, and FULLER, the question was taken on Mr. CAMPBELL'S motion, and lost. On the question of adopting the amendment as reported, it was decided affirmatively.

The following proposition was reported to be added to the 17th rule, viz: "No more than an 'hour each day, shall be devoted to the subject of 'reports from committees, and resolutions; after 'which, the Speaker shall dispose of the bills, mes-'sages, and communications, on his table, and 'then proceed to call the orders of the day."

The proposition was opposed by Mr. BUTLER, who thought the only beneficial curtailment would be, by devising some method of limiting the long speeches that had consumed so much time during this session.

Mr. STERLING, of New York, proposed to amend the amendment, by inserting, after the word "resolutions," the words, "unless in the opinion of the Speaker further time shall be required."

The amendment of Mr. S. was opposed by Mr. MALLARY, and negatived.

Mr. EDWARDS, of Connecticut, then offered the following amendment to the amendment, to be inserted after the word "resolutions," viz: "unless 'in the opinion of the House further time shall be 'necessary, which question shall not be subject to 'debate." This proposition was also negatived, as were others respectively submitted by Messrs. BATEMAN, COOK, and EDWARDS, of North Carolina. The question then recurring upon the adoption of the amendment as recommended by the committee, the same was supported by Messrs. SMITH, of Maryland, TOMLINSON, COOK, and RICH, and opposed by Messrs. RHEA, PLUMER, of New Hampshire, and WALKER; when the question was taken and the amendment was adopted.

After passing various other amendments proposed to the present rules—

The first amendment proposed to the 52d rule being under consideration—

Mr. CANNON moved to amend the same, by adding thereto words to constitute the Committee on the Militia a standing committee. The motion was supported by the mover and opposed by Messrs. TAYLOR, SMITH, of Maryland, and MCCOY, and negatived.

The clause as reported to be added to the 52d rule being under consideration—

Mr. EUSTIS proposed to strike out the following part thereof, next after the word "report," viz: "from time to time, such measures as may contribute to the economy and accountability of the said establishment," and to insert, in lieu thereof, the words "their opinion thereupon." The motion to strike out was supported by the mover, and Messrs. MERCER, FULLER, and MCCOY, and opposed by Messrs. TAYLOR, SMITH of Maryland, TOMLINSON, WILLIAMS of North Carolina, and NELSON of Virginia; when the question was taken and the motion negatived.

Mr. TOMLINSON moved so to amend the proposition as to provide that the said committee report their opinion upon the measures submitted to them, and also to report from time to time such measures as may contribute to economy and accountability in the said establishment.

The question was then taken upon the motion of Mr. T. and carried, and the question next recurring upon the amendment as amended, the same was adopted.

Mr. TAYLOR proposed a similar modification to the last of Mr. TOMLINSON, in respect to that part of the amendment which relates to the Committee on Naval Affairs; the same was agreed to, and the amendment as amended was then adopted.

The remaining branch of the amendment, in relation to the Committee on Foreign Affairs, after some verbal emendations, was concurred in.

A new rule, to be inserted after the 56th rule, providing that the Clerk of the House of Representatives, at the commencement of every session

of Congress, shall cause to be printed and delivered to each member a list of reports, &c., which it is the duty of any officer or Department of Government to make to Congress, was also concurred in.

A new rule, as reported for the 82d rule, after sustaining a modification, on motion of Mr. RICH, was also adopted.

The last proposition reported by the committee was in the following words: "Nor shall any rule be suspended except by a vote of at least two-thirds of the members present."

The concurrence with this amendment was opposed by Mr. WILLIAMS of North Carolina, and Mr. MERCER, and supported by Mr. NELSON of Virginia; when the question was taken thereon, and the amendment was concurred in.

Mr. MERCER moved to insert, as an addition to the 22d rule, the following: "Nor shall any member remain in the hall covered, during the session of the House, without the permission of the Speaker."

The question was discussed by Messrs. MERCER and HARDIN in favor of the motion, and by Messrs. WILLIAMS of North Carolina, LITTLE, WALKER, and TRIMBLE, in opposition to it; when Mr. TAYLOR submitted it as a question of order, that this proposition was not susceptible of debate or determination, without being laid one day on the table.

Mr. MERCER considered it to be in order as an amendment to rules that were now under discussion.

The SPEAKER decided that the motion was in order; and, after a few further remarks by Mr. MERCER in favor of the motion, and by Mr. SAWYER against it, the question was taken, and decided in the negative—ayes 63, noes 77.

Mr. MERCER then submitted an amendment of the 18th rule, so as to prefix thereto the following words: "No member shall read a newspaper, write or read a private letter, in his seat, during the session of the House."

This motion was opposed by Messrs. WRIGHT and RHEA, and negatived without a division.

Mr. WRIGHT moved, as a new rule, the following: "That no person shall be permitted to smoke a cigar in the hall nor in the outer lobby of the hall." This motion was also negatived without a division.

Mr. NELSON, of Virginia, moved to reconsider the 82d rule, for the purpose of introducing a proposition, that a motion to adjourn should not be in order before the hour of 4 o'clock, if any question should then be before the House.

The House agreed to reconsider, and adopted the amendment as proposed.

Mr. COCKE moved to amend the 21st rule, so as to provide that no member should be allowed to speak more than an hour at one time, without special leave of the House.

Mr. ROSS moved to amend the amendment by inserting after the word "speak" the words "or read a speech," so as to read—no member shall be allowed to speak or read a speech, more than an hour at one time, without special leave of the House.

Mr. F. JONES, of Tennessee, opposed both the amendment and the amendment to the amendment.

The question being taken upon the latter, it was decided in the negative; when, the question recurring upon the original proposition, the same was also negatived.

Mr. MERCER submitted an amendment to the 2d rule, the purport of which was, that, after a subject had been under discussion for three hours on each day of three successive days, in the House or in Committee of the Whole, a motion to adjourn, or rise and report, (unless the question shall have been decided,) should not be in order before 7 o'clock, P. M.

The question was supported by the mover, and opposed by Mr. RHEA, who concluded his remarks by moving to amend the amendment by striking out the words "7 o'clock, P. M." and by inserting in lieu thereof the words "the question is taken."

The motion was negatived, and the question recurring upon the original amendment—

Mr. MERCER called for the yeas and nays, which were accordingly ordered. Some further remarks were made by Messrs. BUCHANAN and LOWNDES in favor of the amendment, and by Messrs. WRIGHT, ARCHER, F. JOHNSON, MONTGOMERY, HARDIN, SMYTH, RHEA, and FARRELLY, in opposition to it, when Mr. WILLIAMS, of North Carolina, moved that the whole subject be laid on the table.

Mr. TAYLOR contended that it was not practicable to lay on the table the original report of the select committee, which had been fully acted upon.

The CHAIR decided that the motion was in order.

Mr. WRIGHT appealed from the decision of the Chair.

Mr. WILLIAMS, of North Carolina, supported, and Mr. TAYLOR opposed the decision, when Mr. WRIGHT withdrew the appeal.

Mr. WILLIAMS, of North Carolina, having understood from the SPEAKER that the motion to lay on the table would apply only to the last proposition, withdrew the same.

Mr. CAMPBELL, of Ohio, proposed to renew the motion, when the SPEAKER decided that the whole subject, as last proposed by Mr. MERCER, was not in order before the House.

Mr. NELSON, of Virginia, then moved that the proviso to the 16th, and the amendment to the 17th rules, should not take effect until the next session of Congress; but, before any decision thereon, at 5 o'clock, the House adjourned.

THURSDAY, March 14.

On motion of Mr. JONES, of Tennessee, the Committee on the Public Lands were instructed to inquire into the expediency of vesting in Alvira Debrel, formerly Alvira Mitchell, and Sophia Hancock, formerly Sophia Mitchell, daughter of Samuel Mitchell, by Molly, a Choctaw woman, the title to five thousand one hundred and twenty acres of land, reserved to them by the Treaty of Mount Dexter, concluded between the United States of America and the Choctaw nation of Indians, on the 16th day of November, 1805.

On motion of Mr. MITCHELL, of South Caro-

lina, the Committee on Commerce were instructed to inquire into the expediency of establishing beacons or buoys on the bar of the port of Georgetown, South Carolina, and ascertain the compensation for keeping the same in repair.

Mr. STEWART submitted the following resolution, viz:

Resolved, That the Postmaster General be instructed to communicate to this House any information he may possess relative to the failures and delays of the United States mail between Washington city and Wheeling, the causes which have produced them, and the means of preventing them in future.

The resolution was ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a list of officers of the Army of the United States who hold brevet commissions for gallant conduct in battle, and for other causes, communicated in pursuance of a resolution of this House; which letter and list were ordered to lie on the table.

Mr. RANKIN, from the Committee on the Public Lands, to whom was referred a bill from the Senate, for granting to the Governor of Louisiana two tracts of land in the county of Point Coupee, in the State of Louisiana, reported the same with an amendment to strike out the first section of the bill, (which grants the site of the old fort for the use of a college,) and, on motion of Mr. R., the report was ordered to lie on the table.

The resolution submitted yesterday by Mr. GILMER, calling for information from the Department of State, relative to the titles of certain lands in the Mississippi Territory, which remain in that Department, was taken up and agreed to.

Mr. WALWORTH called for the consideration of a joint resolution, submitted by him some days since, proposing an amendment of the Constitution of the United States, so as to restore to the respective States the power of enacting bankrupt laws, until such time as the Congress shall establish an uniform system of bankruptcy.

The question of consideration was carried—ayes 64, noes 41.

The resolution was then read twice, and committed to a Committee of the whole House on the state of the Union.

Mr. WHITMAN gave notice that he should, on Monday next, move that the House go into a Committee of the Whole on the state of the Union, upon the resolution from the Senate, proposing an amendment to the Constitution in relation to the choice of President and Vice President of the United States, and Representatives to Congress.

The unfinished business of yesterday, in relation to the rules and orders of the House, was then taken up, and the question recurred upon the motion of Mr. NELSON, of Virginia, yesterday, proposing to postpone the operation of the rule in respect to the receipt of petitions, and also the rule for restricting the time of hearing reports, &c., until the next session of Congress—and, after some further debate, the proposition on both points was negatived.

On motion of Mr. NELSON, of Virginia, it was ordered that the rules and regulations of the House, as amended, be printed.

The House then went into a Committee of the Whole on sundry private bills.

A bill for the relief of Benjamin Freeland and John M. Jenkins, being under consideration—

Mr. RANKIN moved to strike out the first and only enacting clause of the bill.

Mr. TAYLOR suggested it to the member from Mississippi, (Mr. RANKIN,) as a matter of form, that it would be more parliamentary to move to strike out those words in the bill which imply legislation, than the first and only enacting clause. Mr. R. modified his motion accordingly.

The motion to strike out was supported by the mover, and by Messrs. STERLING, of New York, MCCOY, and CANNON, and opposed by Messrs. COOK and BUTLER, when the question was taken thereon, and the motion to strike out prevailed.

A bill for the relief of James McFarland was then taken up.

After a few explanatory remarks, Mr. RANKIN moved to strike out the first enacting clause of this bill also; and supported the motion by a number of observations.

The motion was opposed by Mr. COOK and Mr. STERLING, of New York, to whom Mr. RANKIN replied; and, the question being taken, was decided in the affirmative.

Mr. RANKIN then moved that the Committee rise and report their decisions on these bills, which was put and lost, when a bill for the relief of Jonathan N. Baily was taken up, and a few explanatory remarks were made by Mr. SMITH, of Maryland, in favor of the bill, and, after a few suggestions by Messrs. LOWNDES, MCCOY, WILLIAMS, of North Carolina, and WALWORTH, the Committee rose and reported the bill without amendment.

In the House, Mr. COOK moved that the report of the Committee of the Whole to strike out the enacting words of the bill for the relief of Benjamin Freeland and John M. Jenkins be laid on the table; which was agreed to.

On the question of concurrence with the Committee of the Whole, in striking out the first clause of the bill for the relief of James McFarland,

Mr. COOK opposed the concurrence, and Mr. RANKIN and Mr. COCKE advocated it.

The House refused to concur with the Committee of the Whole—yeas 49, nays 53.

Mr. RANKIN then moved to recommit the bill to the Committee on Public Lands, which was agreed to. The report of the Committee of the Whole on the bill for the relief of Jonathan N. Baily was concurred in, and ordered to be engrossed for a third reading.

EXCHANGE OF STOCKS.

On motion of Mr. SMITH, of Maryland, the House then resolved itself into a Committee of the Whole, on "a bill to authorize the Secretary of the Treasury to exchange certain stocks."

The general object of the bill was to pay off the United States' stocks, bearing six and seven per cent. interest at five per cent. redeemable at a future period.

Mr. BALDWIN moved to amend the bill by inserting after the word "thirteen" in the 7th line, the words, "and also two millions of the six per cent. stocks of 1820."

Mr. LOWNDES suggested that it was probable, from the tenor of the report of the Secretary of the Treasury, that the two millions contemplated by the amendment would be redeemed within no long time, and it would therefore be inexpedient to continue for many years to pay interest for the sum when it was in our power to redeem the principal; and that the effect of the amendment would naturally be to injure the public credit by carrying with it the impression that the Government was not able to redeem that portion of the debt as soon as expected.

Mr. TUCKER, of Virginia, proposed to modify the amendment in such a manner as to leave it discretionary with the Executive to include the six per cent. of 1820, or not, as he may deem expedient.

This course was advocated by Mr. CAMBRELENG, but the modification was not then acceded to by the mover, and an extensive range of debate ensued upon the original amendment, which was supported by the mover and Messrs. TRIMBLE, MALLARY, BUCHANAN, ROSS, and FARRELLY, and opposed by Messrs. SMITH, of Maryland, COLDEN, LOWNDES, WOOD, GORHAM, and NELSON, of Virginia.

Mr. BALDWIN finally expressed his willingness to leave it to the Executive to include the stock of 1820 or not, conformably to Mr. TUCKER's proposition; but before the question was determined, the Committee rose, reported progress, and the House adjourned.

FRIDAY, March 15.

Mr. NEWTON, from the Committee on Commerce, to which was referred the bill from the Senate entitled "An act concerning the commerce and navigation of Florida," reported the same without amendment, and it was committed to the Committee of the whole on the state of the Union.

Mr. NEWTON, of Virginia, from the Committee on that part of the President's Message which relates to our commercial intercourse with foreign nations, and the various petitions on the subject of commercial restrictions, (so called,) made a report, which, on motion of Mr. N., was committed, and, on motion of Mr. CUSHMAN, two thousand extra copies were ordered to be printed.

This report concludes with the following resolutions:

Resolved, That the act concerning navigation, passed the 18th of April, 1818, and the act supplementary to the act concerning navigation, passed the 15th of May, 1820; and, also, the act laying a tonnage duty on French vessels, passed the 15th of May, 1820, made necessary to countervail the restrictive systems of Great Britain and France, and for the protection of the navigation and commerce of the United States from injuries, are still, and, as long as those adversary systems shall continue, must be necessary to protect from injuries the same great interests, and ought not to be repealed.

Resolved, That the Government of the United States, having uniformly declared and avowed its attachment to the principles of free commerce, and having, in the treaties which it has formed and agreed to, with foreign nations, and in its relative acts, adhered to them, should be the last to abandon them, and especially at a time when every just and enlightened nation is conforming its commercial policy to an accordance with those principles.

Mr. SLOAN, from the Committee of Elections, made a report on the certificates of the election of the members of the House; which was laid on the table.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill to make perpetual an act passed the 3d day of March, 1817, entitled "An act to continue in force an act, entitled 'An act further to provide for the collection of duties on imports and tonnage, passed the 3d day of March, 1815, and for other purposes;" which was read twice and committed to a Committee of the Whole.

Mr. RANKIN, from the Committee on the Public Lands, to whom the subject was referred on the 15th of December last, reported a bill providing for the examination of the titles to land in that part of the State of Louisiana, situated between the Rio Hondo and the Sabine river; which was read twice and committed to a Committee of the Whole.

Mr. WILLIAMS, from the Committee of Claims, made a report on the petition of Cornelius Huson, accompanied by a bill for the relief of Cornelius Huson; which bill was read twice and committed to the Committee of the Whole.

Mr. PLUMER, of New Hampshire, from the Committee on the Judiciary, reported a bill for the relief of James Green; which was read twice and committed to a Committee of the Whole.

The House then took into consideration the resolution submitted yesterday by Mr. STEWART, relative to the irregularity of the Western mail, and adopted the same.

On motion of Mr. SLOAN,

Resolved, That Philip Reed, who contests the election of Jeremiah Causden, returned a member of this House, be permitted to appear within the bar, and be heard in support of his petition during the discussion of the report of the Committee of Elections on said petition.

Mr. MERCER submitted the following resolution, to wit:

Resolved, That the following be added to the standing rules of the House:

After any bill or resolution shall have been debated for more than three hours in each of three successive days, either in Committee of the Whole, or in the House, unless such bill or resolution shall have been finally disposed of, no motion for the committee to rise, or the House to adjourn, shall be in order before —— o'clock.

The resolution was ordered to lie on the table one day.

On motion of Mr. WALWORTH, the Committee

on Military Affairs were instructed to inquire into the expediency of authorizing the President of the United States to deliver to Martin S. Aiken, Azariah C. Flagg, Ira A. Wood, and others, certain rifles promised them by Major General Macomb, for their gallantry and patriotic services during the siege of Plattsburg, in September, 1814.

The House proceeded to consider the bill from the Senate, entitled "An act granting to the Governor of the State of Louisiana for the time being, and his successors in office, two tracts of land in the county of Point Coupee:" whereupon, it was ordered, that the said bill be committed to the Committee of the Whole, to which is committed the bill authorizing the State of Illinois to open a canal through the public lands in said State.

The SPEAKER laid before the House a report of the Secretary of the Treasury, in obedience to the resolution of this House of the 25th of January last, directing him to report the number of land offices in the different States and Territories, designating the number and location in each State and Territory, the annual expense of supporting the same, the amount of money received at each during the years 1820 and 1821, and the distance of the respective offices from each other; and whether, in his opinion, the public good requires the increase or diminution of said offices, or any alteration in the location of the same; and if any increase is required, in what State or Territory the same ought to be located; which report was read and referred to the Committee on the Public Lands.

An engrossed bill, entitled "An act for the relief of Jonathan N. Bailey," was read the third time and passed.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act for the relief of James H. Clarke;" "An act to amend the act, entitled 'An act to incorporate the subscribers to the Bank of the United States;" "An act supplemental to an act, entitled 'An act authorizing the disposal of certain lots of public ground in the city of New Orleans and town of Mobile;" "An act to define admiralty and maritime jurisdiction;" and "An act to amend the laws now in force as to the issuing of original writs and final process in the circuit courts of the United States within the State of Tennessee;" in which bills they request the concurrence of this House.

ALTERATION OF THE HALL.

Mr. BLACKLEDGE, from the Committee on the Public Buildings, who were instructed by resolution, "to inquire whether such an alteration can be effected in the Hall now occupied by the House of Representatives, as will fit it for the purpose of a deliberative assembly; and if this be deemed impracticable, whether a suitable apartment can be provided in the centre building of the Capitol for the accommodation of the House of Representatives," made the following report thereon, in part:

"The committee, having examined the Hall when empty, and observed, with as much accuracy as was practicable, the expansion and reverberation of sound within it, entertain the opinion, that the altitude and peculiar structure of the dome, are the principal causes which render sounds within the House indistinct and inaudible. It would seem desirable that this opinion should be tested by actual experiment, so as to ascertain its foundation in fact. An experiment which, it is believed, may be made with very little expense, has been proposed by the Architect, which the committee submit for the consideration of the House. The experiment is to be made by throwing canvass or other cloth across the base of the dome, at the springing of the arch, so as to exclude the dome. From a computation by the Architect, it is believed the expense of this experiment will not exceed one hundred and fifty dollars. The trial may be made so as to be tested by the House without much loss of time, as the materials for making the experiment are at hand, and the Architect will be ready to execute the work promptly. Should the House concur in the views of the committee, they would recommend the adoption of the following resolution:

Resolved, That the Architect of the Public Buildings cause to be made the experiment recommended in the accompanying report."

The report being read, the question was taken on agreeing to the resolution therein recommended, and passed in the affirmative.

CONTESTED ELECTION.

The House then resolved itself into a Committee of the Whole on the report of the Committee of Elections, on the memorial of Philip Reed, contesting the election of Jeremiah Causden, returned as one of the representatives of the present Congress from the State of Maryland.

[This report, after an examination of the statements of the two parties, and the evidence by which they were sustained, comes to the following conclusion:

"From a full, attentive, and deliberate examination of the case, in all its points and bearings, the committee are impelled to the conclusion that the sitting member cannot, consistent with the Constitution of the United States, be allowed to retain a seat in this House, under the proceedings of the Governor and Council of Maryland. That the testimony in relation to the two votes rejected in district No. 1, of Kent county, proves that these tickets were not fraudulent, and that they ought to have been counted at the poll of the memorialist, for whom they were given; and that the vote allowed to him in district No. 2, in Cecil county, ought to be deducted from his poll as being clearly an illegal vote. Therefore, by adding to the poll of Philip Reed, the memorialist, two votes improperly rejected in Kent county, and deducting one therefrom, for that improperly allowed in Cecil county, he will have a majority of one vote over the sitting member."

The following resolutions were submitted:

"*Resolved*, That Jeremiah Causden is not entitled to a seat in this House."

"*Resolved*, That Philip Reed is entitled to a seat in this House."

But the most important part of the reasoning on which this report is founded, is the following:

"The committee, being of opinion that the power thus virtually exercised by the Governor and Council of Maryland, in appointing a Representative to the Congress of the United States, (by casting lots where each of the candidates had an equal number of votes,)

is contrary to the express provisions of the Constitution, and one which this House cannot sanction, have no hesitation in rejecting the official statement of the proceedings in the case as evidence of the right of the sitting member to a seat in this House."]

The report having been read, Mr. CAUSDEN rose, in opposition to the report of the Committee, and in support of his own title to his seat, and delivered an argumentative speech of considerable length; after he concluded,

Mr. REED addressed the House until about a quarter of an hour before four o'clock, when

Mr. SLOAN moved that the Committee rise and report progress, which was agreed to; and then the House adjourned to Monday.

MONDAY, March 18.

Mr. BATEMAN, from the Committee on the Post Office and Post Roads, who were instructed by resolution, on the 11th ultimo, to inquire into the practicability of facilitating the means of discovering thefts, destruction of, or opening or mutilating letters, committed by deputy postmasters, their agents; and mail contractors; and, also, into the propriety of enacting severer and other penalties against those who may be convicted of such offences, made a report, in part, thereon; which was read, and ordered to lie on the table.

Mr. STERLING, of New York, from the Committee on the Public Lands, reported a bill making provision for the survey and disposal of the public lands in the Territory of Florida; which was read twice, and committed to a Committee of the Whole.

Mr. WALWORTH, from the Committee on Military Affairs, made a report on the petition of Stephen Howard, Jr., accompanied by a bill for his relief; which bill was read, and committed to a Committee of the Whole.

Mr. MERCER called for the consideration of a resolution laid by him on the table on Friday last, proposing to alter the standing rules of the House, with a view to limiting the length of debates in the House. On the question being taken thereon, the House refused to consider the same—ayes 47, noes 55.

Mr. CANNON called for the consideration of a resolution submitted by him some days since, fixing a time for the adjournment of Congress, but the House refused to consider the same—ayes 49, noes 73.

Mr. TUCKER moved for a reconsideration of the vote just taken, but the House refused to reconsider the same, without a division.

Bills from the Senate of the following titles, to wit: An act for the relief of James H. Clark; an act to amend the act, entitled "An act to incorporate the subscribers to the Bank of the United States;" an act to define admiralty and maritime jurisdiction; an act to amend the laws now in force, as to the issuing of original writs and final process in the circuit courts of the United States within the State of Tennessee; and an act supplemental to an act, entitled "An act authorizing the disposal of certain lots of public ground in the city of New Orleans and town of Mobile;" were severally read twice and referred; the first, to the Committee on Naval Affairs, the second, third, and fourth, to the Committee on the Judiciary, and the fifth, to the Committee on the Public Lands.

MILITARY ESTABLISHMENT.

Mr. COCKE moved that the House do come to the following resolutions, viz:

1. *Resolved*, That the act of the 2d of March, 1821, to reduce and fix the Military Peace Establishment of the United States, was not intended to authorize the President of the United States to dismiss officers then in service, and introduce others of the same grade into the Army.

2. *Resolved*, That the dismission of Brevet Brigadier General Daniel Bissell, Colonel of the 1st regiment of infantry, and of Joseph L. Smith, Colonel of the 3d regiment of infantry, as supernumerary, and the creation of three new Colonels, to wit: Towson, Fenwick, and Butler, on the 1st day of June, 1821, was not authorized by the terms or by the spirit of the act of the 2d of March, 1821.

3. *Resolved*, That the appointment of Colonel James Gadsden to the office of Adjutant General of the United States Army, and the dismission of Colonels Butler and Jones from that office, was not justified by the act of the 2d of March, 1821.

4. *Resolved*, That the transfer of Lieutenant Colonel Lindsay from the seventh regiment of infantry to the third regiment of artillery, after the 1st of June, 1821, was contrary to the regulations for the government of the Army of the United States, and not authorized by the terms or spirit of the act of the 2d of March, 1821.

5. *Resolved*, That it is the duty of Congress, upon national principles and considerations, to protect each officer and soldier of the Army in the enjoyment of his legal and Constitutional rights.

Mr. COCKE thought that the subject embraced by the resolutions was one which involved the interest of the country, and he therefore moved that they be laid on the table and printed.

Mr. WRIGHT said the House had business enough before it to occupy its time without interfering with the appropriate business of the other branch of the Legislature, which he thought the resolution was calculated to do. He wished each planet in our system to keep within its proper sphere and move in its assigned orbit, and he did not feel willing to become an organ of censure to another body.

The SPEAKER remarked that the motion to lay on the table was not debateable, and was about to put the question, when

Mr. COCKE expressed an opinion that he had a right to lay a resolution on the table, and that such was the course he had originally proposed.

Mr. WALWORTH observed that the subject embraced by the resolution was now before the Military Committee, and he believed a member of it was at that moment employed in drawing a report upon it.

The SPEAKER observed that he thought it was proper on this occasion to put the question of consideration, and he was about to put the question,

whether the House would now consider the resolutions; when

Mr. COCKE inquired by what rule he was deprived of the right to lay a resolution on the table?

The SPEAKER referred to the rule of the House, that, "when any motion or proposition is made, the question, 'Will the House now consider it?' shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker"—and the question of consideration was then put, and carried—ayes 62, noes 55.

Mr. COCKE then renewed his original motion that the resolution be laid on the table and printed; which was carried without a division.

CONTESTED ELECTION.

The House then went into a Committee of the Whole on the unfinished business of Friday last—the contested election of Mr. REED, and Mr. CAUSDEN.

Mr. REED resumed his remarks in support of his memorial and his claim to a seat in the House, and occupied the floor about an hour; when

Mr. CAUSDEN made a reply at considerable length.

Mr. SLOAN, (chairman of the Committee of Elections, who reported the bill,) explained the views of the committee in arriving at the conclusion they had expressed to the House.

The question was further debated by Mr. EDWARDS, of North Carolina, Mr. WRIGHT, and Mr. WALWORTH, in support of the resolutions presented by the committee, and virtually in favor of the claim of General Reed, and by Mr. MOORE, of Virginia, in opposition to them; when, at 4 o'clock, the question was taken upon the 1st resolution "that Jeremiah Causden is not entitled to a seat in the House," and decided in affirmance of the same—ayes 92.

Mr. F. JOHNSON, of Kentucky, inquired, whether this decision would involve a determination of the 2d resolution, or whether it would not again send the election back to the people? Before a distinct reply was made to the question—

Mr. TAYLOR moved to amend the 2d resolution as reported by the committee, (in relation to the right of General Reed to a seat) by inserting the word "not" between the word "is" and the word "entitled," thereby negativing the title of either to a seat.

The question was taken thereon, and carried—ayes 72, nays 63.

On motion of Mr. TAYLOR, the Committee then rose, and reported the resolution as amended.

In the House, the question was upon a concurrence with the report of the Committee of the Whole; when

Mr. WRIGHT, in a speech of some length, contended that it was not competent for the House to send the election back to the people, without a simultaneous declaration, that they found the votes to be equal in favor of the respective candidates. Further remarks were made on the subject by Messrs. ARCHER, NEALE, MALLARY, F. JOHNSON, WALKER, BUCHANAN, F. JONES, and CANNON; when the question was taken upon concurrence with the Committee of the Whole in their amendment of the second resolution, denying the right of General Reed to the seat he claims; and the votes were, yeas 73, nays 71, as follows:

YEAS—Messrs. Baldwin, Ball, Barber of Ohio, Bassett, Bateman, Baylies, Bigelow, Borland, Brown, Burrows, Butler, Campbell of New York, Cannon, Cocke, Colden, Conkling, Conner, Cuthbert, Darlington, Denison, Dickinson, Durfee, Dwight, Edwards of Connecticut, Farrelly, Findlay, Fuller, Garnett, Gebhard, Gist, Harvey, Jackson, F. Johnson, J. T. Johnson, J. S. Johnston, Kent, Kirkland, Lathrop, Leftwich, Little, Lowndes, McCarty, McCoy, Mallary, Matlack, Matson, Mercer, Mitchell of South Carolina, Moore of Virginia, Phillips, Plumer of New Hampshire, Rankin, Rhea, Rochester, Ruggles, Russ, Sawyer, Arthur Smith, Spencer, Sterling of New York, Stevenson, Taylor, Tod, Tomlinson, Tracy, Tucker of South Carolina, Tucker of Virginia, Upham, Whipple, Williams of Virginia, Wilson, Woodcock, and Wright.

NAYS—Messrs. Allen of Massachusetts, Allen of Tennessee, Archer, Barber of Connecticut, Bayly, Blackledge, Blair, Buchanan, Burton, Campbell of Ohio, Cassedy, Chambers, Condict, Crafts, Cushman, Dane, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Eustis, Gross, Hardin, Herrick, Hill, Hobart, Hooks, Jones of Virginia, Jones of Tennessee, Keyes, Lincoln, Litchfield, Long, McSherry, Mattocks, Milnor, Mitchell of Pennsylvania, Moore of Pennsylvania, Murray, Neale, Nelson of Massachusets, Patterson of Pennsylvania, Pierson, Pitcher, Plumer of Pennsylvania, Reed of Massachusetts, Reid of Georgia, Rich, Rogers, Ross, Russell, Sloan, S. Smith, W. Smith, J. S. Smith, Sterling of Connecticut, Stewart, Stoddard, Swan, Swearingen, Thompson, Vance, Van Wyck, Walker, Walworth, White, Whitman, Williams of North Carolina, Williamson, Wood, Woodson, and Worman.

Mr. TAYLOR observed, that the vote being so nearly equal, and so many members absent, he thought it but justice that the ultimate question should be taken in a more full House—and, on his motion, at half past 5 o'clock, the House adjourned.

TUESDAY, March 19.

Mr. NEWTON, from the Committee on Commerce, to which was referred the memorial of the North River Steamboat Company, and the Fulton Steamboat Company, reported a bill granting certain privileges to steamships and vessels, owned by incorporated companies; which was read twice, and ordered to be engrossed and read a third time to-morrow.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, made an unfavorable report on the memorial of Sarah Easton and Dorothy Storer, representatives of Colonel Robert Hanson Harrison, deceased, secretary and aid-de-camp to General Washington, in the Revolutionary war; which was read and ordered to lie on the table.

Mr. RANKIN, from the Committee on Public Lands, reported a bill providing for recording and examining titles and claims to land in the Terri-

tory of Florida; which was read twice, and committed to the Committee of the whole House, to which is committed the bill requiring Surveyors General to give bond and security for the faithful application of public moneys.

Mr. RANKIN, from the same committee, to which was referred the bill from the Senate, entitled "An act supplementary to the several acts, for adjusting the claims to lands and establishing land offices in the districts east of the island of New Orleans," reported the same without amendment, and it was committed to the Committee of the Whole.

Mr. SMITH, of Maryland, submitted to the House a copy of an act of the General Assembly of the State of Maryland, entitled "An act relative to the road made by the United States, from Cumberland on the Potomac river, to or near Wheeling, on the Ohio river;" which was referred to the Committee of the whole House to which is committed the bill for the preservation and repair of the Cumberland road.

On motion of Mr. HALL, the Committee on the Judiciary were instructed to inquire into the propriety of repealing the act of 1813, to encourage vaccination, and if, on inquiry, it shall seem proper, that they report a bill to that effect.

Mr. STERLING, of New York, submitted the following resolution, viz:

Resolved, That the Secretary of the Treasury be directed to communicate to this House the items of the incidental expenses incurred in the Land Offices of St. Louis, Franklin, Huntsville, and Cahaba, for the year 1820, and the three first quarters of the year 1821.

The resolution was ordered to lie on the table one day.

A Message received yesterday from the PRESIDENT OF THE UNITED STATES, was read, and is as follows:

To the House of Representatives of the United States:

I lay before the House of Representatives the copy of a supplementary report made by William Lambert, in relation to the longitude of the Capitol from Greenwich, in pursuance of a joint resolution of the two Houses of Congress of the 3d of March, 1821, and I subjoin an extract from the letter of Mr. Lambert submitting that report.

JAMES MONROE.

WASHINGTON, *March* 12, 1822.

The Message and documents were ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement exhibiting the amount of drawback payable on merchandise exported from the United States during the year ending on the 31st day of December, 1818, 1819, and 1820, compared with the amount of duties which accrued on the same, respectively; which letter and statement were ordered to lie on the table.

Mr. TUCKER, of South Carolina, called for the consideration of the joint resolution from the Senate fixing a time for the adjournment of Congress; but the House refused to consider the same—ayes 47, noes 67.

Mr. MERCER called for the consideration of a resolution laid on the table by him, on Friday last, proposing an alteration of the standing rules of the House intended to limit the extent of debate; but the House refused to consider the same by a large majority.

SOUTH AMERICAN INDEPENDENCE.

Mr. RUSSELL, from the Committee on Foreign Relations, to which was referred the Message from the President of the United States, concerning the recognition of the independence of the late Spanish provinces in America, made report thereon; which was read and committed to the Committee of the whole House on the state of the Union; and five thousand copies thereof ordered to be printed for the use of the members of this House, in addition to the usual number.—The report is as follows:

The Committee on Foreign Affairs, to which were referred the Message of the President, concerning the recognition of the late Spanish provinces in America, and the documents therewith communicated, having examined the same with the most profound attention, unanimously report:

That the provinces of Buenos Ayres, after having, from the year 1810, proceeded in their revolutionary movements without any obstacle from the Government of Spain, formally declared their independence of that Government, in 1816. After various intestine commotions, and external collisions, those provinces now enjoy domestic tranquillity, and good understanding with all their neighbors; and actually exercise, without opposition from within, or the fear of annoyance from without, all the attributes of sovereignty.

The provinces of Venezuela and New Granada, after having, separately, declared their independence, sustained, for a period of more than ten years, a desolating war against the armies of Spain, and having severally, attained, by their triumph over those armies, the object for which they contended, united themselves, on the 19th of December, 1819, in one nation, under the title of "the Republic of Colombia."

The Republic of Colombia has now a well organized Government, instituted by the free will of its citizens, and exercises all the functions of sovereignty, fearless alike of internal and foreign enemies. The small remnant of the numerous armies commissioned to preserve the supremacy of the parent State, is now blockaded, in two fortresses, where it is innoxious, and where, deprived as it is, of hope of succor, it must soon surrender at discretion; when this event shall have occurred, there will not remain a vestige of foreign power in all that immense Republic, containing between three and four millions of inhabitants.

The province of Chili, since it declared its independence, in the year 1818, has been in the constant and unmolested enjoyment of the sovereignty which it then assumed.

The province of Peru, situated like Chili, beyond the Andes, and bordering on the Pacific ocean, was, for a long time deterred from making any effectual effort for independence, by the presence of an imposing military force, which Spain had kept up in that country. It was not, therefore, until the 12th of June of the last year, that its capital, the city of Lima, capitulated to an army, chiefly composed of troops from Buenos Ayres and Chili, under the command of General San Martin. The greatest part of the royal troops

which escaped on that occasion, retreated to the mountains, but soon left them to return to the coast, there to join the royal garrison in the fortress of Callao. The surrender of that fortress, soon after, to the Americans, may be regarded as the termination of the war in that quarter.

When the people of Peru found themselves, by this event, free to express their will, they most unequivocally expressed in favor of independence, and with an unanimity and enthusiasm which have no where been excelled.

The revolution in Mexico has been somewhat different in its character and progress, from the revolutions in the other Spanish American provinces, and its result, in respect to the organization of its internal government, has, also, not been precisely the same. Independence, however, has been as emphatically declared and as practically established, since the 24th of August last, by the "Mexican Empire," as ever it has been by the Republics of the South; and her geographical situation, her population and her resources, eminently qualify her to maintain the independence which she has thus declared, and now actually enjoys.

Such are the facts which have occupied the attention of your committee, and which, in their opinion, irresistibly prove, that the nations of Mexico, Colombia, Buenos Ayres, Peru, and Chili, in Spanish America, are in fact independent.

It now remains for your committee to examine the right and the expediency, on the part of the United States, of recognising the independence which those nations have thus effectually achieved.

In this examination, it cannot be necessary to inquire into the right of the people of Spanish America "to dissolve the political bands which have connected them with another, and to assume, among the Powers of the earth, that separate and equal station to which the laws of nature and of nature's God entitle them." The right to change the political institutions of the State has, indeed, been exercised equally by Spain and by her colonies; and for us to deny to the people of Spanish America the right to independence, on the principles which alone sanction it here, would be virtually to renounce our own.

The political right of this nation to acknowledge their independence, without offending others, does not depend on its justice, but on its actual establishment. To justify such a recognition, by us, it is necessary only to show, as is already sufficiently shown, that the people of Spanish America are, within their respective limits, exclusively sovereign; and thus, in fact, independent. With them, as with every other Government possessing and exercising the power of making war, the United States, in common with all nations, have the right of concerting the terms of mutual peace and intercourse.

Who is the rightful sovereign of a country, is not an inquiry permitted to foreign nations, to whom it is competent only to treat with "the powers that be."

There is no difference in opinion, on this point, among the writers on public law; and no diversity, with respect to it, in the practice of civilized nations. It is not necessary, here, to cite authority for a doctrine familiar to all who paid the slightest attention to the subject; nor to go back, for its practical illustration, to the civil wars between the houses of York and Lancaster. Long since, the chiefs of those conflicting houses alternately triumphed and ruled, and were alternately obeyed at home and recognised abroad, according as they, successively, exercised the power, without demonstrating the right—monarchies have become commonwealths or republics, and powerful usurpers have been recognised by foreign nations, in preference to legitimate and powerless pretenders. Modern history is replete with instances in point. Have we not, indeed, within the brief period of our own remembrance, beheld governments vary their forms, and change their rulers, according to the prevailing power or passion of the moment, and doing so in virtue of the principle now in question, without materially and lastingly affecting their relations with other governments? Have we not seen the emperors and kings of yesterday receive, on the thrones of exiled sovereigns, who claimed the right to reign there, the friendly embassies of other Powers, with whom those exiled sovereigns had sought an asylum—and have we not seen to-day those emperors and kings, thus courted and recognised yesterday, reft of their sceptres, and, from a mere change of circumstances, not of right, treated as usurpers by their successors, who, in their turn, have been acknowledged and caressed by the same foreign Powers?

The peace of the world, and the independence of every member of the great political family, require that each should be the exclusive judge of its own internal proceedings, and that the fact alone should be regarded by foreign nations. "Even when civil war breaks the bonds of society and of government, or, at least, suspends their force and effect, it gives birth in the nation to two independent parties, who regard each other as enemies, and acknowledge no common judge." It is of necessity, therefore, that these two parties should be considered, by foreign States, as two distinct and independent nations. To consider or treat them otherwise, would be to interfere in their domestic concerns, to deny them the right to manage their own affairs in their own way, and to violate the essential attributes of their respective sovereignty. For a nation to be entitled, in respect to foreign States, to the enjoyment of these attributes, "and to figure directly in the great political society, it is sufficient that it is really sovereign and independent: that is, that it governs itself by its own authority and laws." The people of Spanish America do, notoriously, so govern themselves, and the right of the United States to recognise the governments, which they have instituted, is incontestible. A doubt of the expediency of such a recognition can be suggested only by the apprehension that it may injuriously affect our peaceful and friendly relations with the nations of the other hemisphere.

Can such an apprehension be well founded?

Have not all those nations practically sanctioned, within the last thirty years, the very principle on which we now propose to act; or have they ever complained of one another, or of us, for acting on that principle?

No nation of Europe, excepting Spain herself, has, hitherto, opposed force to the independence of Spanish America. Some of those nations have not only constantly maintained commercial and friendly intercourse with them, in every stage of the Revolution, but indirectly and efficiently, though not avowedly, aided them in the prosecution of their great object. To these the acknowledgment, by the United States, of the attainment of that object, must be satisfactory.

To the other nations of Europe, who have regarded the events occurring in Spanish America, not only

without interference, but with apparent indifference, such an acknowledgment ought not to be offensive.

The nations who have thus respectively favored, or never opposed, the Spanish American people during their active struggle for independence, cannot, it is believed, regard with dissatisfaction the formal recognition of that independence by a nation, which, while that struggle lasted, has religiously observed, towards both the conflicting parties, all the duties of neutrality. Your committee are therefore of opinion, that we have a right, on this occasion, confidently to expect, from what these nations have done or forborne to do, during the various fortunes of the civil war which has terminated, that they will frankly approve the course of policy which the United States may now think proper to adopt in relation to the successful party in that war. It surely cannot be reasonably apprehended, that nations who have thus been the tranquil spectators, the apparent well-wishers, if not the efficient supporters, of this party, and who have not made the faintest attempt to arrest its progress, or to prevent its success, should be displeased with a third Power, for merely recognising the Governments which, owing to that success, have thus been virtually permitted, or impliedly approved, in acquiring the undisputed and exclusive control of the countries in which they are established. It is therefore on the consistency as well as on the justice of these nations of Europe, that we may confidently rely, that the simple recognition, on the part of the United States, of the necessary effect of what has already been done, will not be considered as a just cause of complaint against them; while the interested and immediate agents, who have been directly and actively engaged in producing that effect, have neither been opposed nor censured.

Your committee, therefore, instead of seriously apprehending that the recognition, by the United States, of the independence of Spanish America, will be unacceptable to these nations, are not without hope that they may practically approve it, by severally adopting a similar measure. It is not, indeed, unreasonable to suppose, that those Governments have, like this, waited only for the evidence of facts which might not only suffice to justify them, under the laws and usages of nations, but to satisfy Spain herself, that nothing has been prematurely done, or which could justly offend her feelings, or be considered as inconsistent with her rights. As their motives for not having hitherto recognised the independence of Spanish America, may thus be supposed to have been analogous to our own, it is permitted to presume that the facts and reasons which have prevailed on us no longer to hesitate, will, confirmed as they are by our example, have a like influence on them.

No nation can entertain a more sincere deference for the feelings of Spain, or take a more lively interest in her welfare, than the United States. It is to this deference, too evident to be doubted or misunderstood, that ought to be ascribed the hesitation of this Government, until now, to yield to the claims of Spanish America, although these claims were in perfect accordance with our own principles, feelings, and interests. Having thus forborne to act, even at the hazard of having those principles and feelings misunderstood on this side of the Atlantic, we have, as your committee believe, given at once satisfactory proof of our disinterestedness and moderation; and of our scrupulous respect to the principle which leaves the political institutions of every foreign State to be directed by its own view of its own rights and interests.

Your committee have been particularly anxious to show, in a manner satisfactory to Spain herself, that the measure which this Government now proposes to adopt, has been considered with the most respectful attention, both in relation to her rights and to her feelings.

It is not on the laws and usages of nations, or on the practice of Spain herself on like occasions, that your committee have relied for our justification towards her.

The fact that, for the last three years, she has not sent a single company of troops against her transatlantic colonies, has not been used as evidence of their actual independence, or of her want of power to oppose it. This fact, explained as it is, by the public acts of Spain herself, is regarded by your committee as evidence only of her policy.

The last troops collected at Cadiz, in 1819, which were destined to suppress the revolutionary movements in Spanish America, not only rejected that service, but joined in the revolution, which has since proved successful in Spain itself. The declaration of the leaders in that revolution was, that "Spanish America had a right to be free, and that Spain should be free." Although the constitution, which was re-established by that revolution, guarantied the integrity of the Spanish dominions, yet the principles on which that constitution was founded seem to discountenance the employment of force for the accomplishment of that object, in contempt of the equal rights and declared will of the American portion of the Spanish people. The conduct of the Government, organized under that constitution, has uniformly been, in this respect, in conformity to those principles. Since its existence, there has not been even a proposal by that Government to employ force for the subjugation of the American provinces, but merely recommendations of conciliatory measures for their pacification.

The answer of the Cortes, on the 10th of July, 1820, to the address of the King, furnishes conclusive proof of this policy.

"The intimate union," says this answer, "of the Cortes with your Majesty; the re-establishment of the constitution; the faithful performance of promises, depriving malevolence of all pretext, will facilitate the pacification of the ultra marine provinces, which are in a state of agitation and dissension. The Cortes, on its part, will omit no opportunity to propose and adopt measures necessary for the observance of the constitution and restoration of tranquillity in those countries, to the end that the Spain of both worlds may thus form a single and happy family."

Although the ultra marine provinces are not here encouraged to expect absolute independence, yet they are no longer treated as vassal colonies, or threatened with subjugation, but are actually recognised as brothers in the great constitutional and free family of Spain.

A report made to the Cortes on the 24th of June, 1821, by a committee appointed by that body, not only manifestly corroborates the policy above stated, but sufficiently intimates that the recognition of the independence of Spanish America by Spain herself had nearly been the measure recommended by that committee.

That report avers that "tranquillity is not sufficent, even if it should extend throughout America, with a prospect of permanency. No; it falls short of the wishes of the friends of humanity."

In speaking of the measure demanded by the crisis, it

says, that this measure was not only warmly approved by the committee, but at first entirely assented to by the Ministers with whom it had been discussed, and failed only to be proposed to the Cortes "by these Ministers having, on account of peculiar occurrences, suspended their judgment." It speaks of this measure as indicative of a new and glorious resolution; that it was demanded by America and the true interests of the Peninsula; that from it Spain might reap advantages which otherwise she could never expect; and that the ties of kindred and the uniformity of religion, with commercial relations, and those emanating from free institutions, would be the surest pledge of mutual harmony and close union.

Your committee do not feel themselves authorized to say positively what that measure was, but they do not hesitate to declare their entire conviction that no measure short of a full recognition of unconditional independence, could have deserved the character nor been capable of producing the effects ascribed to it.

It is therefore sufficiently manifest that Spain, far from wishing to call into action her means of prosecuting hostilities against the people of Spanish America, has renounced even the feelings of an enemy towards them, and but for "peculiar occurrences" had been prepared nearly a year ago to consent to their independence.

She has not only practically discontinued, and even emphatically deprecated, the employment of force to restore tranquillity to Spanish America, but she has declared that even universal and permanent tranquillity there "falls short of the wishes of the friends of humanity."

While she appeals to the ties of kindred," she undoubtedly feels them; and if she has not abandoned her desire, so often avowed, of mere constitutional union and equal commercial intercourse with her former colonies, as between provinces of the same empire, a union and an intercourse which intervening Andes and oceans seem to render highly inconvenient, if not utterly impracticable, she evidently refers the accomplishment of this desire to the unawed deliberations and to the congenial and kindred feelings of the people of those colonies, and thus substantially acknowledges their independence.

Whatever may be the policy of Spain, however, in respect to her former American colonies, our recognition of their independence can neither affect her rights nor impair her means in the accomplishment of that policy. We cannot for this be justly accused of aiding in the attainment of an independence which has already been established without our assistance. Besides, our recognition must necessarily be co-existent with the fact on which it is founded, and cannot survive it. While the nations of Spanish America are actually independent, it is simply to speak the truth to acknowledge them to be so.

Should Spain, contrary to her avowed principles and acknowledged interests, renew the war for the conquest of South America, we shall indeed regret it; but we shall observe, as we have done between the independent parties, an honest and impartial neutrality. But on the other hand should Spain, faithful to her own glory and prosperity, consent that her offspring in the New World should enjoy the right of self-government equally with their brethren in the Old, we shall sincerely rejoice; and we shall cherish with equal satisfaction, and cultivate with equal assiduity, the friendship of regenerated Spain and of emancipated America.

Your committee, in justice to their own feelings and to the feelings of their fellow-citizens, have made this declaration without disguise; and they trust that the uniform character and conduct of this people will save it from all liability to misinterpretation.

Happy in our own institutions, we claim no privilege; we indulge no ambition to extend them to other nations; we admit the equal rights of all nations to form their own Governments and to administer their own internal affairs as they may judge proper; and however they may in these respects differ from us, we do not on that account regard with the less satisfaction their tranquillity and happiness.

Your committee, having thus considered the subject referred to them in all its aspects, are unanimously of opinion that it is just and expedient to acknowledge the independence of the several nations of Spanish America, without any reference to the diversity in the forms of their governments; and, in accordance with this opinion, they respectfully submit the following resolutions:

Resolved, That the House of Representatives concur in the opinion expressed by the President in his Message of the 8th of March, 1822, that the American provinces of Spain which have declared their independence, and are in the enjoyment of it, ought to be recognised by the United States as independent nations.

Resolved, That the Committee of Ways and Means be instructed to report a bill appropriating a sum, not exceeding one hundred thousand dollars, to enable the President of the United States to give due effect to such recognition.

[TRANSLATION.]

Extract from the report of the Committee [of the Spanish Cortes] to whom was referred the disturbances in the American provinces, with instructions to prepare measures for their general pacification.

"Still New Spain, or rather the whole of the Spanish provinces in North America, having almost entirely returned to a state of tranquillity, at that period so desolating a war was terminated; while, on the other hand, a considerable part of Peru constantly adhered to Spain, as has also been the case with Cuba and the other islands. Thus, while on the Main, in Buenos Ayres, and in Chili, the afflicting spectacle was beheld of Spanish and American blood being shed by the very hands which had the greatest interest in its preservation—the most important part of Spanish America remained free from so many calamities. But this tranquillity is not sufficient, even if it should extend throughout America with a prospect of permanency. No! it falls short of the wishes of the friends of humanity. It is necessary that America should build her happiness upon a solid foundation, so that, far from counteracting, she may contribute to the prosperity of Europe.

"Your committee, persuaded of this truth, discussed in their several sittings the questions which appeared most proper to attain the grand object we all have in view. These were examined in conjunction with His Majesty's Ministers, who, in the beginning, entirely coincided in the general opinion prevailing in the committee, but were subsequently induced, by peculiar occurrences, to suspend their judgment, believing that public opinion was not yet prepared for a final decision. In this situation your committee are unable to bring forward any formal proposition, inasmuch as it belongs to the Government to determine the matter of

fact, that is to say, as to the expediency and urgency of certain measures; and the Cabinet not thinking that moment yet arrived, nothing now remains to your committee but strongly to recommend to Ministers the acceleration of so desirable a moment. This is loudly called for by justice; it is demanded by the uncertain and precarious fate of so many European Spaniards settled in those countries; it is demanded by the natives themselves, and the different classes who have so gallantly supported the cause of the metropolis; in fine, it is demanded by America and the true interests of the Peninsula—the prosperity of the former resting in the restoration of tranquillity, which will prove a source of incalculable benefit to her; and that of the latter in not being obstructed in her progress, by having her councils distracted by cares created by the deplorable situation of those distinct climes. The lights of the age and a wise policy ought to guide the Government in forming so new and so glorious a resolution.

"Your committee, fully sensible of the greatness of the subject, and believing that their decision will, perhaps, affect the interests of the whole world, would wish to impress upon the minds of all Spaniards this, their firm conviction, that they might all contribute to the completion of so great a work. Spain would reap advantages which otherwise she can never expect; and the ties of kindred, and the uniformity of religion, together with commercial relations, and those emanating from free institutions, would be the surest pledge of mutual harmony and close union. Your committee, therefore, not being able alone to come to any determination, content themselves with simply proposing that Ministers be urged to lay before the Cortes, with the least possible delay, the fundamental basis of such measures as they may deem advisable and just, both for the complete pacification of the distracted provinces of America, and to secure to them all solid and lasting happiness."

CONTESTED ELECTION.

The House then went into consideration of the unfinished business of yesterday, (the contested election of Messrs. Causden and Reed.)

The question was first taken upon concurrence with the Committee of the Whole in their agreement to the first resolution reported by the Committee of Elections, viz: "That Jeremiah Causden is not entitled to a seat in the House," and the same was affirmed, ayes 91, noes 27.

The question was then about to be put on agreeing to the other resolution reported by the committee, as yesterday amended, so as to declare that Mr. REED is *not* entitled to a seat.

Mr. WRIGHT moved a reconsideration of the vote taken yesterday, denying the right of General Reed to a seat in the House; and, the question being taken thereon, the reconsideration was refused—ayes 66, noes 68.

Mr. CHAMBERS moved to amend the resolution as amended in Committee of the Whole, by inserting, in lieu thereof, after the word "resolved" the following words—"that Jeremiah Causden and Philip Reed having an equal number of votes, therefore, Philip Reed is not entitled to a seat in this House."

Mr. COLDEN and Mr. EDWARDS of North Carolina opposed the amendment, and, the question being taken thereon, the same was negatived without a division.

The question then recurring upon the second resolution as amended and reported by the Committee of the Whole,

Mr. WILLIAMS, of North Carolina, and Mr. WOOD opposed the same, and Messrs. RHEA, F. JOHNSON, and BARBER of Ohio, supported it; when, on motion of Mr. WILLIAMS of North Carolina, the yeas and nays were ordered, and the question being so taken, stood—yeas 74, nays 75, as follows:

YEAS—Messrs. Baldwin, Ball, Barber of Ohio, Bassett, Bateman, Bigelow, Borland, Brown, Butler, Campbell of New York, Cannon Cocke, Colden, Conkling, Conner, Cook, Cuthbert, Darlington, Denison, Dickinson, Dwight, Edwards of Connecticut, Farrelly, Findlay, Fuller, Garnett, Gebhard, Gilmer, Gist, Gorham, Harvey, Hawks, Jackson, F. Johnson, J. T. Johnson, J. S. Johnston, Kent, Kirkland, Lathrop, Leftwich, Little, Lowndes, McCarty, McCoy, Mallary, Matlack, Matson, Metcalf, Mitchell of South Carolina, Moore of Virginia, New, Newton, Overstreet, Phillips, Plumer of New Hampshire, Rankin, Rhea, Russ, Sawyer, Arthur Smith, Spencer, Sterling of New York, Stevenson, Taylor, Tod, Tomlinson, Tracy, Trimble, Tucker of South Carolina, Tucker of Virginia, Upham, Whipple, Williams of Virginia, and Woodcock.

NAYS—Messrs. Alexander, Allen of Massachusetts, Barber of Connecticut, Bayly, Blackledge, Blair, Buchanan, Burton, Campbell of Ohio, Cassedy, Chambers, Condict, Crafts, Cushman, Dane, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Hall, Hendricks, Herrick, Hill, Hubbard, Hooks, Jones of Virginia, Jones of Tennessee, Keyes, Lincoln, Litchfield, Long, McLane, McNeill, McSherry, Mattocks, Milnor, Mitchell of Pennsylvania, Moore of Pennsylvania, Moore of Alabama, Morgan, Murray, Neale, Nelson of Massachusetts, Patterson of Pennsylvania, Pierson, Pitcher, Plumer of Pennsylvania, Reed of Massachusetts, Reid of Georgia, Rich, Rogers, Ross, Russell, Sanders, Sloan, S. Smith, J. S. Smith, Sterling of Connecticut, Stewart, Stoddard, Swan, Swearingen, Thompson, Vance, Van Rennselaer, Van Wyck, Walker, Walworth, White, Whitman, Williams of North Carolina, Williamson, Wood, Woodson, Worman, and Wright.

The SPEAKER, under the rule of the House—"that, in all cases of ballot by the House, the Speaker shall vote; in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and, in case of such equal division, the question shall be lost"—voted in the affirmative, which made an equality of votes upon the proposition before the House. The effect of this vote was decided by the Chair to be, that the affirmative proposition, viz: *Philip Reed is not entitled to a seat in this House*, was lost, and was equivalent to a determination in the affirmative of the original proposition of the Committee of Elections in favor of Mr. Reed.

Mr. BALDWIN appealed from the decision of the Chair, and on that question the mover and Messrs. SMITH of Maryland, RHEA, FARRELLY, GORHAM, WALWORTH, LOWNDES, WRIGHT, ARCHER, ROSS,

Little, Whitman, Campbell of Ohio, Stevenson, Tucker of Virginia, Montgomery, and Smyth, respectively expressed their sentiments, when the question was taken, and the decision of the Chair was reversed.

Mr. Sanders then presented the following resolution:

Resolved, That Philip Reed is entitled to a seat in this House, as one of the Representatives of Maryland.

On this question the yeas and nays were ordered, and the resolution was carried—yeas 82, nays 77, as follows:

Yeas—Messrs. Alexander, Allen of Massachusetts, Allen of Tennessee, Archer, Barber of Connecticut, Bayly, Blackledge, Blair, Breckenridge, Buchanan, Burton, Campbell of Ohio, Cassedy, Chambers, Condict, Crafts, Cushman, Dane, Eddy, Edwards of Pennsylvania, Edwards of North Carolina, Eustis, Hall, Hendricks, Herrick, Hill, Hobart, Hooks, Jones of Virginia, Jones of Tennessee, Keyes, Lincoln, Litchfield, Long, McDuffie, McLane, McNeill, McSherry, Mattocks, Milnor, Mitchell of Pennsylvania, Moore of Pennsylvania, Moore of Alabama, Morgan, Neale, Nelson of Massachusetts, Patterson of New York, Patterson of Pennsylvania, Pierson, Pitcher, Plumer of Pennsylvania, Reed of Massachusetts, Reid of Georgia, Rich, Rogers, Ross, Ruggles, Russell, Sanders, Sloan, S. Smith, W. Smith, J. S. Smith, Sterling of Connecticut, Stewart, Stoddard, Swan, Swearingen, Tatnall, Thompson, Vance, Van Wyck, Walker, Walworth, White, Whitman, Williams of North Carolina, Williamson, Wood, Woodson, Worman, and Wright.

Nays—Messrs. Baldwin, Ball, Barber of Ohio, Bassett, Bateman, Baylies, Bigelow, Borland, Brown, Burrows, Butler, Campbell of New York, Cannon, Cocke, Colden, Conkling, Conner, Cook, Cuthbert, Darlington, Denison, Dickinson, Dwight, Edwards of Connecticut, Farrelly, Findlay, Fuller, Garnett, Gebhard, Gilmer, Gist, Gorham, Gross, Harvey, Hawks, Jackson, F. Johnson, J. T. Johnson, J. S. Johnston, Kent, Kirkland, Lathrop, Leftwich, Little, Lowndes, McCarty, McCoy, Mallary, Matlack, Matson, Mercer, Metcalfe, Mitchell of South Carolina, Moore of Virginia, Newton, Overstreet, Phillips, Plumer of New Hampshire, Rankin, Rhea, Russ, Arthur Smith, Alexander Smyth, Spencer, Sterling of New York, Stevenson, Taylor, Tod, Tomlinson, Tracy, Trimble, Tucker of South Carolina, Tucker of Virginia, Upham, Whipple, Williams of Virginia, and Woodcock.

Whereupon Mr. Reed appeared, was qualified, and took his seat as one of the Representatives from the State of Maryland; and then the House adjourned.

Wednesday, March 20.

Mr. Newton, of Virginia, called for the consideration of a bill to extend the limits of the port of entry and delivery for the district of Philadelphia; and, the House having agreed to consider the same, it was ordered to be engrossed for a third reading.

Mr. Lathrop submitted the following resolution:

Resolved, That a committee be appointed to consider and report what business it is necessary for the House of Representatives to act upon during the present session.

On motion of Mr. Mallary, the resolution was ordered to lie on the table.

On motion of Mr. Rich, the Committee of Claims were instructed to inquire into the expediency of providing by law for a settlement, upon the best evidence of which the cases will admit, of the accounts of persons charged with public moneys on the books of the Third Auditor of the Treasury, prior to the 1st of July, 1815.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act to provide for paying to the State of Missouri three per cent. of the net proceeds arising from the sale of the public lands within the same," with amendments; and they have also passed bills of the following titles, to wit:

1. An act for the relief of the heirs and representatives of Alexander Montgomery;

2. An act to authorize the State of Illinois to open a canal through the public lands, to connect the Illinois river with Lake Michigan;

3. An act authorizing the payment of a sum of money to John Gooding and James Williams;

4. An act for the relief of Samuel H. Walley and Henry G. Foster;

5. An act for the relief of Jacob Babbitt;

6. An act for the relief of William Nott, Stephen Henderson, and Nathaniel Cox, syndics of the creditors of George T. Phillips, late of the city of New Orleans, deceased;

7. An act for the relief of Samuel Walker;

8. An act for the relief of Matthew McNair;

9. An act granting to the corporation of the city of Mobile, in the State of Alabama, certain lots of ground in the said city;

10. An act granting a tract of land to William Conner and wife, and to their children;

In which amendments and last mentioned bills they ask the concurrence of this House.

The said last mentioned bills from the Senate were severally read twice, and referred; the

1st, to the Committee on Private Land Claims.

2d, to the Committee of the whole House, to which is committed the bill to authorize the State of Illinois to open a canal through the public lands, to connect the waters of the Illinois river with Lake Michigan.

3d, 4th, and 5th, to the Committee of Ways and Means.

6th, to the Committee on Commerce.

7th and 8th, to the Committee of Claims; and the

9th and 10th, to the Committee on the Public Lands.

The amendments proposed by the Senate to the bill, entitled "An act to provide for paying to the State of Missouri three per cent. of the net proceeds arising from the sale of the public lands within the same," were read, and referred to the Committee on the Public Lands.

An engrossed bill, entitled "An act granting certain privileges to steamships and vessels owned by incorporated companies," was read the third time, and passed.

LAND OFFICES.

The resolution submitted yesterday by Mr. STERLING, of New York, calling for information relative to the contingent expenses of the land offices at Louisville, Franklin, Huntsville, and Cahaba, was called up.

Mr. MALLARY wished the inquiry to extend to all the land offices in the United States, and moved an amendment to that effect.

Mr. STERLING opposed the amendment on the ground that he believed it to be unnecessary to extend the inquiry beyond the limit he had proposed, and also on the ground that it would perhaps have the effect to protract the investigation of the subject, and preclude any efficient act in relation to it at this session.

Mr. SLOAN was opposed to the resolution altogether. He thought it would be productive of no beneficial result.

Mr. RANKIN was in favor of the resolution, but deemed the amendment unnecessary.

Mr. MALLARY made some further remarks in support of the amendment; upon which, the question being taken, it was negatived.

Mr. RICH then moved to erase the items of incidental expenditures, and to insert, in lieu thereof, that there should be a general statement under each head of expenditure.

Mr. COCKE opposed the amendment, and remarked, that it reached no further than the information which the House already possessed.

After some further remarks by Messrs. RICH and STERLING of New York, the amendment was withdrawn, and the resolution was adopted as originally moved.

ADJOURNMENT OF CONGRESS.

The House proceeded to consider, by a vote of 79 to 74, the resolution of the Senate, proposing to close the present session of Congress, on the first Monday of April.

Mr. BASSETT moved to strike out the words "first Monday in April," so as to leave the period of adjournment in blank.

Mr. LATHROP proposed to commit the resolution to a select committee, with instructions to examine and report the business necessary to be done before the close of the session.

Mr. EDWARDS, of North Carolina, was in favor of the reference suggested by the gentleman from Massachusetts, (Mr LATHROP,) but wished it to be done without giving instructions to the committee.

Mr. HARDIN hoped that somebody would be heard on this subject, besides the gentleman from North Carolina, (Mr. EDWARDS,) and the gentleman from Massachusetts, (Mr. LATHROP.) It was a matter in which other members of the House had an interest. What, he asked, was the usual course of business? The first two-thirds of the session was occupied in receiving petitions, maturing business—meeting late, and adjourning early; and, if holidays intervene, pass through the forms of meeting and adjourning, without doing any business of importance; and one-third of the remainder of the session was ordinarily consumed in debating the question at what time Congress should adjourn. He wished to go home as much as other gentlemen who have families, and certainly as much as those who have none, but it was the bounden duty of this House, before its members separated, to do the business of the nation which they were sent here to perform. He was opposed at all events to giving powers and instructions to a committee to select the business. It ought to take the course prescribed by the miller, and that which was first presented should be first done. He had three years ago presented a petition, possessed of strong and peculiar merits, which had been favorably reported on by the Committee of Claims, and God knows, said Mr. H., it must have merits if it could pass that Committee, and yet this Committee of Arrangement had annually arranged it out of the House. He was not prepared to tell the people, we have sat here as long as our convenience suited—we have done no business—but we have got our eight dollars a day, and now we wish to go home, and leave the business of the nation undone. Mr. H. concluded his remarks by moving that the resolution be laid on the table; but, on suggestion, he withdrew that motion, to give way to

Mr. BALDWIN, who moved to commit the resolution to a Committee of the Whole House and make it the order of the day for to-morrow, so that it might take its regular place on the docket.

Mr. SANDERS opposed the motion. He wished that some period for adjournment might be fixed on. It would greatly facilitate the business, as gentlemen would then have their eye fixed on that event, and shape their business and their speeches accordingly. He was not particularly anxious for an early adjournment, but he believed it essential that the time should be determined on, and if the present motion were negatived he would then move to fill the blank with the last Monday in April.

Mr. SMITH, of Maryland, was not surprised that the gentleman from North Carolina, (Mr. SANDERS,) and other gentlemen who had not long experience in this House, should entertain the sentiments they advanced. In the State Legislatures it was not difficult to fix the period of terminating the session. There the business of each was known to all, and it was easy to measure the time it would occupy. But it was not so in the National Legislature. Here was a vast variety of business, collected from the various parts of this widely extended empire, and it was impossible for each member to know in what time the whole of the necessary business could be accomplished. Added to this, there were many new members upon the floor, who could not immediately become acquainted with the ordinary routine, and hence it had happened in the early part of the session that resolutions had been introduced, and long discussions grown out of them, calling for information upon subjects that were perfectly familiar to those who had the advantage of experience. But, although it must be confessed that much time had been spent in unproductive debate, yet it was also true that much business had been matured this session

which it was important should be acted upon. As the gentleman from Kentucky (Mr. HARDIN) had remarked, it was commonly the case at the close of a session, private petitions are thrown aside, which in effect was equivalent to a denial of justice. Mr. S. was apprehensive that it was impossible for the House to do the necessary business before the 20th of May; nor was it until within a few years that Congress had adjourned before that period. He formerly knew a session that continued until July; and it was a well-known fact that the laws passed at the close of a session were slurred over, and put together so loosely that you might drive a coach and six through them. This resolution, he remarked, came from the Senate. And for what purpose? To tell the people that the House of Representatives had not done its duty. That the Senate was ready to adjourn, but that the House was wasting its time. Mr. S. disclaimed imputing any such intentions to that body; but such, he contended, was the obvious operation of it. And shall we say to our constituents, said Mr. S., that we have spent all our time in maturing the business, and that, as soon as we had done that, we had broken up without accomplishing it? If it is inconvenient to gentlemen to remain—that is a circumstance that they should have reflected on before they accepted of their seats; but, at all events, the business of the nation should not be sacrificed to suit the convenience of their Representatives. And now, said Mr. S., after the business has been three months preparing, this subject is taken up for debate and discussion, day after day, in order to hasten the public business!

Mr. RHEA supported the motion to commit, in a speech of considerable length; but his remarks could not be distinctly heard by the reporter.

Mr. CANNON believed that no time could be fixed on which would be agreeable to his colleague, (Mr. RHEA;) but he hoped that the time of the House would not be consumed by debating the question. The motion to commit would be equivalent to a vote of rejection, which he hoped the House would not consent to. The session had been spun out by speeches on one or two subjects, yet he did not think the legislation was more correct or perfect by so much speech-making. His observation had convinced him that the perfection of business did not consist in the length of the discussion; for he had remarked that, whenever a great question was made out of a small one, the members would soon withdraw their attention from it. Mr. C. expressed his belief that the House could dispose of all the necessary business before the time mentioned by the gentleman from North Carolina, (Mr. SANDERS.) Three days had been occupied upon a contested election, which might have been determined in two hours; and, if a period was fixed, it would put an end to useless discussion; yet he could hardly call it discussion; it was speech-making. Opinions were not formed or altered by debate. He hoped the mover would withdraw the motion; for, even if it were to succeed now, yet the question must be tried at some part of the session; and, if the object were defeated now, yet it would certainly be brought up again.

Mr. J. SPEED SMITH was in favor of the motion. A proposal was now made to us, he observed, to adjourn; and why? Not because we had done the business, but because some spur was necessary to urge us on to our duty. It was unbecoming, he said, for this body to move with a halter round their necks; and he was unwilling to believe or admit that the House of Representatives could not trust themselves without a cord by which they could be guided. The argument of the gentleman from Kentucky, (Mr. HARDIN,) he conceived to be unanswerable, in relation to the business, and he briefly reviewed the various important matters pending before that body. We had gone, he said, through the formality of presenting and referring petitions; they had been laboriously examined by the committees, and the reports had been printed at a very considerable expense; but now we want to go home, and therefore we must leave the business undone, and the same formalities to be gone through with, and the same expense incurred, at the next session. But he would not fall into the error of his friend from Tennessee, (Mr. CANNON,) and, in making a long speech against speech-making, enforce by example what he had repelled by precept. For this reason he would sit down.

Mr. WOODCOCK observed that he regretted to take up the time of the House in the discussion of a subject, the object of which was to save time. But he was not willing that the resolution should have the go-by in the manner proposed by the motion. He hoped the question would be fairly met, and not got rid of in this manner. He should pay great deference and respect to the opinions of those who possessed greater experience in legislation than himself; but he could not but express his regret that the limit of every session had not been assigned by the Constitution. He admitted the right of members to make long speeches; nor did he wish to abridge that right by any other means than the exercise of their own discretion. We had now been here, he said, almost four months, and but little of the business had been finally disposed of. He wished some method to be adopted which should increase the despatch of the remainder, and he could conceive of no method so effectual as to limit the continuance of the session. If, as the gentleman from Maryland (Mr. SMITH) had suggested, it would be necessary to protract the session to the middle of May, be it so; he was willing to stay as long as the public interest required, but he hoped the proposition would be distinctly met.

Mr. F. JOHNSON remarked, that those who were in favor of the resolution advocated it on the ground that it was impossible to do all the business before the House, and therefore we ought to fix a day on which to adjourn. The same rule, he observed, would prove that we ought never to come here at all; for we could not do all the business before us if we were to continue in session until the third of next March. He was not disposed to manacle ourselves in such a manner that

we could not move without the guidance of another body. If this is the course to be pursued, the right of petitioning has become a solemn mockery; and yet those gentlemen who are so anxious to get home, present, perhaps, as many petitions as any other members of the House. It was a hard case for persons to petition here, year after year, with fair claims upon the Government, and to be turned off because the servants of the people cannot stay to do them justice, from their wish to get home to their families. If we can't do the business of the people, let us honestly tell them so, and not hold out expectation, and torture them with disappointment. If there was any gentleman whose situation was such that he could not stay from home any longer, let him ask leave of absence. For one, he would vote for it, and it was possible that the House could even get along without him. We do not profess to come here, he observed, merely to be *honorable* members of Congress, and to make a great speech on the Bankrupt bill, or some other great question, but to do the business of the nation. Mr. J. referred to an important bill which had been preparing by the Committee of Ways and Means, and on which, judging of the future by the past, if he did not much mistake, the gentleman from Tennessee (Mr. CANNON) would spend more time in discussing than he was now willing to allow to Congress for the whole of the residue of the session. When there were only thirteen States, he remarked, the sessions were about as long as at present, when the States, population, and business to be done, were more than two to one, besides the incidental accumulation of claims growing out of the war. The people had a right to expect us to do their business; and, for his part, he was prepared to say that he would do it if it required a continuation of the session until the third of March next.

Mr. CONDICT moved to lay the motion on the table, which was negatived.

Mr. WALKER, of North Carolina, expressed his sentiments in favor of the motion; when

Mr. CONDICT moved that the further consideration of the resolution be postponed to the second Monday of April.

Mr. MOORE, of Alabama, renewed the motion to lay it on the table, which was again negatived; and the motion to postpone was agreed to.

EXCHANGE OF STOCKS.

On motion of Mr. SMITH, of Maryland, the House resolved itself into a Committee of the Whole on the state of the Union, on the unfinished business of Thursday last, on the bill authorizing the Secretary of the Treasury to exchange a stock bearing an interest of five per cent. for certain stocks bearing an interest of six and seven per cent.

The question recurred upon the motion of Mr. BALDWIN to amend the first section of the bill, by extending the provisions of the bill so as to include also two millions of six per cent. stock created by the loan of 1820.

The question being taken on this motion for amendment, it was negatived without a division.

Mr. CAMBRELENG moved to amend the bill by striking out the whole of the first section, after the enacting clause, and to insert in lieu thereof the following:

"That the Secretary of the Treasury shall be, and he is hereby, authorized to propose an issue of stock, to an amount not exceeding thirty millions of dollars, bearing an interest of five per centum per annum, in exchange for any of the stock heretofore issued bearing an interest of six per centum per annum, and of the stock heretofore issued bearing an interest of seven per centum per annum; for which purpose, books shall be opened at the Treasury of the United States, and at the several Loan offices, on the 1st day of April, 1822, or as soon thereafter as may be practicable, to continue open until the first day of July next thereafter, for such parts of the aforementioned six and seven per cent stock, as shall, on the day of subscription, stand on the books of the Treasury, and on those of the several Loan offices, respectively; and the holders of the aforementioned stocks, who may become subscribers in the manner aforesaid, shall severally specify the terms upon which they propose to effect, the exchange hereby authorized: and the Secretary of the Treasury shall be, and he is hereby, authorized to accept such subscriptions of the aforementioned stocks as may be subscribed and offered, upon terms which he may deem advantageous to the United States; which subscriptions, accepted in pursuance of this authority, shall be effected by a transfer to the United States, in the manner provided by law for such transfers of the credit or credits standing on the said books; by a surrender of the certificates of the stock so subscribed; and by the payment into the Treasury of the United States of such premium, if there be any, as may be offered in consideration of the exchange thus effected."

In offering this amendment, Mr. C. said, he hoped the Committee would not pass the bill in its present shape; and he begged leave to explain his reasons for offering an amendment to a bill emanating from the Committee of Ways and Means. It limited the exchange to the stocks of 1812 and 1813. He thought it probable, if the negotiation was effected at all, these stocks only would be embraced; but he disliked specifying any particular stocks in the bill, as it made them at once objects of speculation. He was willing to enlarge the authority to be given the Secretary, that he might be enabled to effect the exchange upon terms most advantageous to the United States. He had, therefore, in the amendment, proposed to open the subscription for all the sixes and sevens. If no others were ultimately accepted but those of 1812 and 1813, it would not injure the negotiation for the holders of these particular stocks to know that the Secretary was authorized to accept others. Besides, it was impossible for the Secretary or this House to anticipate the prices of stocks.

The section, as it stands, provides only for the exchange of five per cent. for six and seven per cent. stock. It supposes a rare coincidence—an equality in the price of five per cent. ten years' stock, and of six and seven per cent. stock redeemable in three or four years. Now, sir, if it be for the interest of the holders of these stocks to make the exchange, they will do so; and, if this be the case, may they not be willing to offer a pre-

mium for the preference? At least, this case may happen, and provision ought to be made for such a contingency, unless we were disposed generously to give the stockholders the premium.

The section suspends the subscription till next October. He thought if it was to be passed in that shape, it would be useless to pass it at all. The market rate of interest had been advancing for twelve months, and was now advancing; the bill ought to have been acted on two months earlier, and the negotiation, if authorized at all, ought to be effected as early as practicable. He doubted whether we had not even now let the opportunity escape, and he was very certain it would be impracticable twelve months hence. Gentlemen who proposed to suspend the negotiation until next October, November, or December, should reflect that a general revival of trade was sensibly operating upon and absorbing the idle capital of the country, and they should also reflect that, during the present year, we shall probably receive important intelligence relating to the affairs of Europe, which would affect the prices of the stocks of all Governments. He hoped the amendment would be adopted, and that the exchange, if practicable at all, would be made forthwith.

Mr. F. Johnson said, that gentlemen had said that this was the most important bill which had been presented to the House during the session, and he was willing to admit its great importance, while he should ask the indulgence of the Committee to make a few observations.

The bill proposes to put it in the power of persons owning twelve millions of the public debt contracted in 1812, and redeemable or not at the pleasure of the Government in 1825, on a part of which is paid six, and a part seven per cent.; and fourteen millions of the debt contracted in 1813, and redeemable in like manner in 1826, bearing an interest of six per cent., to relinquish that debt and take, in lieu thereof, a debt on the Government to be created, bearing an interest of five per cent., which the Government shall not be at liberty to pay off until 1832, 33–34.

He preferred the amendment proposed by the gentleman from New York (Mr. Cambreleng) to the original section, as reported, and particularly, because it did not limit the negotiation to an exchange on equal terms; for he knew of no reason why we should give to the brokers a stock worth eight or ten per cent. above par, in exchange for stock that was worth but five or six. But he was opposed both to the amendment and the bill, for it seemed to presuppose no exertion on the part of Congress to pay off the public debt. If, during the period of the loan and redemption, we have an excess of revenue, we cannot appropriate it to this object. A time of peace was the proper time to extinguish the debt. Every effort should be made to effect it, and, if we cannot do it otherwise, we ought to reduce and retrench our expenditures. And shall we now say, at a time when there is no prospect of war, that it is expedient to postpone the debt, instead of paying it off? And for what? Where is the reason and necessity of so doing? Mr. J. was not satisfied that any beneficial result could grow out of the measure. He did not believe that Congress could calculate money matters and stocks better than the brokers. They were as able to calculate the contingencies of war in Europe, as we could be; and they could judge as well, to say the least, as we could, what would be the effect of such contingencies, to increase or diminish the value of stock. It was their business and their pursuit, to which they gave undivided attention. All the affairs of our own Government also were open to their inspection, and they will not make the exchange unless they can get the best of the bargain. They will calculate whether the Government will redeem the stock or not, and they will inevitably out-calculate us. Mr. J. believed, that if we should want money hereafter, we could obtain it on better terms than by adopting this measure. He thought we should use all our efforts to discharge the debt, but not to postpone it. We must retrench our expenses. Look to the Navy. He was a friend to it, but he believed it opened an ample field for retrenchment, without taking away its efficiency. Savings might also be made in the civil and other departments, the fortifications, &c. We were now paying an annual interest of $5,700,000 on the public debt, and such was our situation, that we were now paying interest on interest. In such a condition, in his private affairs, a prudent man would look about him for objects of reduction, and for such means as should be calculated to relieve him from the burden of debt. Although this bill purported to provide only for an exchange of stocks, it was really and substantially a bill for creating a new loan, and, as such, it ought, in his opinion, to be regarded

He liked things to be called by their right names; they would then be better understood by the people. The competition offered by either the bill or amendment, was confined to the present creditors of the Government; no other than an owner of the one or the other description of stock can become purchasers of this new loan; and it cannot therefore be expected, that as good a bargain can be had for the Government, as if the market was opened to all; and this was another objection with him to the bill. What! authorize a loan of thirty millions, and confine it to a particular description of individuals! It was wrong in policy and principle; rely upon it, if the bargain you offer is advantageous to the holders of the present stock, they will accept it; if it is not, they will not; so that the alternative, either way, is a bad bargain to the Government. Nor has it been shown that money will be scarcer two years hence than it is now; and, as we are to make a bad bargain if we make any, what good reason can be assigned against postponing this loan of thirty millions, until we have redeemed as much as we can, and what is not then redeemed may be put in market, in which others as well as the present stockholders, will have a right of bidding, and which will insure a more advantageous contract to the Government? We may then get the full value of the stock, which we cannot now reasonably expect; it will then be time enough to adopt the sad alternative of loans, when better cannot be done. Mr. J. said,

the measure might have one effect, which some gentlemen might esteem beneficial; that was, it might do away the plea of necessity of retrenchment and reform, and permit things to remain as they are. This, he said, was what he wished to avoid; and he must be allowed to believe that the Government would, at least if Congress would do its duty in reforming the disbursements of public expenditure, be able to discharge a considerable part of the public debt; but if the debt be postponed until 1831,–2,–3, let the funds and resources of the Government be what they may, we cannot pay it until that time, and having money, we shall be apt to waste it; whereas, if we keep the public debt in our reach, and in view, we shall make exertions to pay it.

Mr. MCDUFFIE stated that he should not have troubled the Committee with any remarks on this subject, if the range of the observations of the gentleman from Kentucky (Mr. JOHNSON) had not assumed a broader cast than he had reason to anticipate. The objections of that gentleman seemed to be founded upon a misconception of the nature of the obligations of the Government to discharge its public debt, and of the means of preserving the public faith and public credit unimpaired. To whom does the obligation of the Government extend? To the public creditors, and to them only. Now the proposition involved in this bill proposes to do nothing but with the consent of the public creditors. And what fact could furnish more conclusive evidence of the high credit of the Government than that the public creditors should be anxious to exchange six or seven per cent. stock, redeemable at an earlier period, for five per cent. stock, redeemable at a period more remote? But the gentleman from Kentucky seems to assume that we are bound, upon principles of public policy, to hasten the extinguishment of the public debt, without a proper regard to the existing revenue. Mr. McD. contended that no principle, either of justice or sound policy, could require that the whole burden of the war debt should be thrown upon that disastrous period of embarrassment which succeeds the war, and is produced by it. For how, said he, stands the argument? We go to war without any preparation. Our system of revenue is prostrated by the very state of things which renders revenue necessary. In war, therefore, we must always contract an enormous public debt; for our principal dependence in war must be upon loans. We sustain the burdens and privations of the war; we fight the battle; and when it is brought to a close, exhausted as we are by the conflict, we are required upon principles of policy to pay off the debt immediately, though the public creditors are anxious that we should not. It is clearly a question between the present generation and posterity; and nothing could be more obviously just than that the debt contracted for the establishment of those principles, in which posterity have as deep an interest as we have, should not fall exclusively upon those who have already had more than their proportion of sacrifice and suffering. The gentleman had said that we were compelled to increase our debt by a loan last year. This fact tended rather to favor than oppose the projected exchange. For how, said Mr. McD., can an argument in favor of the rapid extinguishment of the public debt be drawn from the fact, that our revenue was inadequate to pay the interest of the debt, keep up the operations of the Sinking Fund, and defraying the current expenses of the Government? It seemed to involve an inconsistency which he could not comprehend. But it seems that we are to be driven back into the condition in which the late war found us. We are to cut down these establishments, founded upon the experience and disasters of that war, and to run again into a system of wasteful economy, such as had brought upon us the heavy debt we are now required to discharge. In fact, said he, if we wish to avoid a public debt, we must change our system of revenue, so as to render it permanent. If we are not prepared for this, we must reconcile ourselves to a public debt, as without loans we cannot meet those exigencies, which we are certainly destined to encounter.

Mr. SMITH, of Maryland, remarked that the subject had taken a different course from what he had expected. He had not hitherto explained the principle of the bill—nor would his health permit him to do so extensively now. The gentleman from Kentucky, (Mr. JOHNSON,) had not appeared to view the subject in that light, in which he hoped his better judgment would lead him. He has said that we should not procrastinate, but pay off. He agreed it was desirable, but it was not in our power. The object of the bill was to be prepared to pay off the debt. The money market is now favorable for the operation—but it may not be so in 1825. The money market is rising. The calculation is to seize the present opportunity. Twenty-six millions of dollars of the stock due in 1825 and 1826, is proposed to be exchanged by this operation; if carried into complete effect more than two millions of dollars will be saved to the United States. It was intended to postpone it to a period when we shall be able to extinguish it. Information had been received from New York and Boston that left no reasonable doubt that the proposition would be accepted by the creditors. On the first of January, 1825, we must meet these demands, and he knew of no other adequate means to effect it. Mr. S. reviewed, at considerable length, the financial concerns of the country to show the necessity and expediency of adopting the bill as reported by the Committee of Ways and Means. In 1824 it was calculated that the whole of the public debt would be redeemed. He had seen and conversed with the Secretary of the Treasury, since the bill was reported, who informed him that the custom-house bonds of the last quarter of the last year had exceeded his expectation by the amount of one million of dollars. It had been said that we ought, by no act of ours, to deceive the people. This was a truism. It was a position that no person would deny; but he believed the Secretary of the Treasury would not propose, and he hoped the Committee of Ways and Means would not be

found to sanction or sustain such a proposition. Mr. S. thought the present was a palpable case, and that there could be no reason for refusing assent to such a measure, which was calculated to diminish the national debt. It was very true that this proposition would defer the payment of the public debt, but it would be with the consent of the creditors—and in such case there could be no complaint, nor pretence of injustice. In respect to the amendment, he thought it did not differ much from the principle of the bill; but he was not satisfied that it was preferable to the section as reported. Mr. S. took a particular view of the several parts of the amendment, and to show that it did not improve the bill, but would be injurious to it. The proposition to extend the subscription had been considered by the Secretary of the Treasury and the Committee of Ways and Means, and was deemed unadvisable after deliberation. The probability that the other holders of stock would subscribe was, to say the least, very remote. There was no adequate inducement, and would have the effect to throw so much into the market as might perhaps defeat the object. In another particular, also, the amendment was defective, for it allowed no time for the European stockholders to come forward and avail themselves of the proposed exchange.

Mr. RHEA opposed the amendment at some length, but the position of the reporter would not enable him to hear, with sufficient distinctness, to do justice to his observations.

Mr. F. JOHNSON replied to the remarks of the gentlemen from Maryland, (Mr. SMITH,) and South Carolina, (Mr. McDUFFIE.) It was by no means his intention to cast any imputation upon the committee who reported the bill, and in relation to the observations of the gentleman from South Carolina, (Mr. McD.,) he had said nothing whatever about the Army. He had voted for its reduction at the last session; and, with respect to the Navy, he was disposed to lop off such parts of it only as were an encumbrance to it. He did not wish to retard any of the operations of Government—but he was decidedly in favor of a just system of economy, and for examining into every department of the Government, and for reducing and lopping off every expenditure that can be done, without impairing the useful operations of the Government, and such a system, he said, would greatly accelerate its operations and advance its best interests. And he was opposed to the principle of putting a great load of debt upon posterity. He understood the gentleman (Mr. McDUFFIE) to say, that "we had fought and borne the brunt of war, and that posterity ought to be charged with the debt incurred by it—that it would be too much to require us to fight the battles and pay the debts too." If these were that gentleman's notions he differed very widely from him. He would ask what advantage would that liberty and independence be to posterity, which the victories of the present generation had sustained, if we load them with a public debt, which is to destroy the enjoyment of that liberty and independence? Direct taxation, he said, was the worst of evils in a country situated as ours—the nation was not now capable of bearing a direct tax, nor could he tell when it would be. He thought we ought to keep a sharp lookout in peace, so as to pay off our debts incurred in war, and to avoid loans and direct taxes, and a system of strict economy would greatly aid us therein. This objection to the bill was reducible to these two grounds—1st, that it was not certain that money will be dearer then than now; and, 2dly, that it was not certain that we should be wholly incapable of reducing any part of the public debt.

Mr. TUCKER, of Virginia, was in favor both of the bill and of the amendment. It had been objected by the gentleman from Kentucky, that brokers would calculate the value of stock better than Congress, and that therefore no beneficial bargain of this sort could be made. But this he thought depended much on contingencies. If there should be war in Europe, the rate of interest will rise, and the value of stock will fall. Another event might also have an essential bearing upon the value of stock. He alluded to the recent recommendation to recognise the independence of the South American colonies. This would probably open new sources of trade and industry. It was also objected that we might have money on hand, lying idle, which might be applied to the extinguishment of the debt. To this he replied that it might be used to increase the Sinking Fund. The commissioners of that fund could employ it beneficially, and would then be able to purchase in the stock on advantageous terms, and, in the supposed change of the money market, it would have a double operation. He considered this as one of the most prudent measures that the nation could adopt, and the most fortunate conjunction that could occur for it. He was anxious that the bill and amendment should pass, and he thought it could be modified without injury, so as to include the European holders of the stock who might wish to avail themselves of the act.

Mr. BALDWIN considered both the bill and the amendment as highly important, and he was in favor of the principle of both. But it was material that the House should well understand it. The amendment had been just submitted, and he thought it was entitled to more deliberate consideration. He therefore moved that the Committee rise and report progress and ask leave to sit again. Which was agreed to.

In the House, the amendment, on motion of Mr. WOOD, was ordered to be printed, and, after granting leave to the Committee to sit again, the House adjourned.

THURSDAY, March 21.

Mr. SMITH, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act authorizing the payment of a sum of money to John Gooding and James Williams," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. SMITH, from the same committee, to which

was also referred the bill from the Senate, entitled "An act for the relief of Jacob Babbitt," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to whom the subject was referred on the 20th instant, reported a bill in addition to the act, entitled "An act for the prompt settlement of public accounts;" which was read twice and ordered to lie on the table.

Mr. McLANE, from the Committee on Naval Affairs, reported a bill for the relief of Joseph Bainbridge; which bill was read twice and committed to a Committee of the Whole.

Mr. COOK from the Committee on the Public Lands, to whom was recommitted a bill for the relief of James McFarland, reported the same with two amendments, the first of which was concurred in; and some debate arose upon the second amendment, in which Mr. COOK supported, and Mr. COCKE opposed the same; when, on motion of the latter, the bill and amendments were ordered to lie on the table.

Mr. HILL moved that the House do come to the following resolution:

"*Resolved*, That the Library Committee be directed to inquire into the expediency of distributing the four volumes of the Secret Journal of Congress, and Journal of the Convention, to those members who belonged to the 16th Congress, and have not received them; and, also, to report on the propriety of distributing copies of the same books to the Athenæum, Antiquarian, Historical, and other learned institutions in the United States, together with the Journal of the Convention, the Fourth Census, Pitkin's and Seybert's Statistics, Wait's edition of State Papers, and the Commercial Regulations of Foreign Countries.

The resolution being read, the question was taken, Will the House now proceed to consider the same? And was determined in the negative.

Mr. MERCER moved that the House do come to the following resolution:

Resolved, That the Committee on the Public Buildings be instructed to inquire into the practicability of preparing, for the accommodation of the House of Representatives, the room in the centre building designed for the library.

The resolution was ordered to lie on the table.

The SPEAKER laid before the House a letter from the Postmaster General, stating the causes of the failures and delays of the mails between the City of Washington and Wheeling, in Virginia, and prescribing the means of preventing them in future; which was read and ordered to lie on the table.

An engrossed bill, entitled "An act to fix the limits of the port of entry and delivery for the port and district of Philadelphia," was read the third time, and passed.

On motion of Mr. MOORE, of Alabama, it was ordered that the bill concerning invalid pensioners, reported to this House on the 20th January, 1821, together with the petitions and papers of the persons therein mentioned, be committed to the Committee of the whole House to which is committed the bill concerning invalid pensioners, reported at the present session of Congress.

DISTRICT OF COLUMBIA.

Mr. KENT, from the Committee for the District of Columbia, to which was referred, on the 9th instant, a petition of sundry inhabitants of the said District, reported a bill to enable the inhabitants of the District of Columbia to form a frame of government; which was read twice, and committed to a Committee of the Whole.—The bill is as follows:

A Bill to enable the inhabitants of the District of Columbia to form a frame of government.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the inhabitants of the District of Columbia be, and they hereby are, authorized to hold a Convention, to determine whether it will be for their benefit to have the rights of self-government extended to them, so far as the same may constitutionally be done; and if they shall be of such opinion, to form a frame of government, to be submitted to Congress for their approbation.

SEC. 2. *And be it further enacted*, That the said Convention shall be composed of twelve representatives for the City of Washington, and that part of the county of Washington east of Rock Creek; of eight representatives for the town of Georgetown, and that part of the county west of Rock Creek; and of nine representatives from the town and county of Alexandria. The said representatives to be free white taxable males, inhabitants of said District, above the age of twenty-one years, who shall be chosen by ballot, by the free white taxable males, inhabitants of said District, above the age of twenty-one years, on the —— day of —— next, under the superintendence of such judges, at such place in each of the said towns, and subject to such other directions, as the President of the United States may prescribe.

SEC. 3. *And be it further enacted*, That the persons so chosen shall convene, in the City of Washington, at such place as shall be fixed by the President of the United States, on the —— day of ——, and shall organize themselves by the appointment of a presiding officer, and such other officers as may be necessary. A majority of the members shall constitute a quorum, and their proceedings shall be communicated to the President of the United States, to be by him laid before Congress at their next session.

EXCHANGE OF STOCKS.

The House then resumed the consideration of the unfinished business of yesterday, (the bill authorizing the Secretary of the Treasury to exchange certain stocks,)—the question being upon the amendment submitted yesterday by Mr. CAMBRELENG.

Mr. SMITH, of Maryland, opposed the amendment in a speech of considerable length. He examined its various provisions, and contended that it really held out fewer advantages than the first section of the bill in its present shape; and, among other observations, he remarked that it was calculated to depreciate the value of the stock, by giving advantages to American over European stockholders.

Mr. WOOD was in favor of the amendment.

He thought it was conformable to the views which the Secretary of the Treasury had presented in his report, and he, Mr. W., was disposed to extend it, not only to thirty, but to thirty-six, millions; and he entered into a statistical examination of the subject to test the expediency of its adoption.

Mr. CAMBRELENG replied, and modified the resolution by adding to the amendment as follows: "*Provided*, That, in effecting the aforesaid exchange, the Secretary shall, in no case, give any premium."

Mr. WILLIAMSON remarked that the subject of finance, in all its parts, was already important, and equally difficult to be understood. One need to have clear views himself, and the attention of others, else his remarks on such a topic would be fruitless. This bill proposes the exchange, he observed, of twenty-six millions of six and seven per cent. of the loans of the United States, effected in 1812–13, payable in 1825–26, by a new stock to be created, bearing an interest of five per cent. payable in 1821–2–3. In this discussion four considerations present themselves to our view, and demand our decision:

1. Is it expedient to make the exchange?
2. For what amount, if any, shall the books be opened?
3. At what time shall they be opened and closed; and,
4. When shall the new stock, if any be created, become due? These are the four points to be considered.

In respect to the first, he thought it was expedient to make an exchange. In 1812–13, the United States were involved in a war with one of the most powerful nations upon earth. The demands and pressure on the Government were great; it must have had money; to procure which loans were opened, and the money procured at a rate per cent. interest which showed at that time the unfortunate condition of public credit. Of the loan at six and seven per cent. effected in 1812, he remarked, there will be due and redeemable, in 1825, upwards of seventeen and-a-half millions of dollars; and of the loan effected in 1813, at six per cent., there will fall due and redeemable, in 1826, near twenty-two and-a-half millions; so that upwards of forty millions are redeemable those two years. The first question is, Will this Government be able to meet and pay off that sum in 1825–6? He thought not. The Secretary of the Treasury, and others who have passed the revenue and expenditure under their view, think not. What, then, is the best provision which can be made in the premises? It is very truly stated, that the credit of the Government is now high—perhaps never higher. A promissory note, that is, the paper security of the Government of the United States is always more valuable, will sell quicker, and for a larger sum, as the length of time intervenes between the date and pay-day; because, as the interest is always paid quarterly, and as the capitalists do not want the trouble of often vesting their money, or exchanging the investment, provided it lies safe. Hence, at the present moment, $10,000 of Government paper, bearing five per cent. interest, and payable ten years hence, interest demandable quarterly, would now bring as many dollars in specie, and also a considerable premium. In 1812–13, Government security, at six, and at one moment, seven per cent only, would command the cash, though the day of pay was fixed at thirteen years then future. The reason was, money was commanding high interest; the credit of Government was low; changes great abroad, and we were compelled to borrow, and capitalists took the advantage. The tables are now turned; our credit is good—never better; and money, being plenty, commands only a low interest. It is said a stock at five per cent. interest, payable 1831–2–3, will bring in, by way of exchange, the demands of six per cent. against the United States, which are payable in 1825–6. Why not, then, make the exchange? It will be saving the difference of at least one per cent. on the sixes, and two on the sevens, for three or four years; and it cannot be safely calculated that our Government will be able to pay them off when they become due.

A second question is the amount. If a loan be opened for exchange, for what sum ought it to be? The bill proposes twelve millions of the loans of 1812 and '13, so as to embrace all that on which seven per cent. interest is payable, and so much of the loan bearing six per cent. as will, together with the former, amount to twelve millions; leaving due, to be paid by Government, during the year 1825, the residue of what will fall due that year, namely, about five millions and a half. Can this latter sum be paid those years, besides meeting the other charges on Government? The past and present state of the revenue does not prophecy such ability. We cannot do it. Gentlemen do hardly suppose it. Why not then open the exchange for the whole which will fall due that year, viz: about seventeen and a half millions, instead of twelve millions? If this reasoning be correct, then how will the Government be able, probably, to pay off twenty-two millions and near a half, which fall due in 1826? It would be remarkable to entertain calculations that we then may deal in the commodity of miracles. I would go in this exchange as high as the amendment proposes, which is thirty millions, and then about ten millions will be due those two years—quite as much of the public debt mentioned as we shall be able to meet.

Another and third question arises in this difficult business—When shall the books be opened, if opened at all? The bill proposes October, the amendment April. If the credit of the Government paper be, as stated, good, so high in market, why not embrace the present moment? Is it not the proper time? What advantage by delay? Mighty events, which are by many anticipated; changes in the mercantile world, always affect money matters. When the loans were effected, it was a season of extremes; the present is another, diametrically opposite. The gentleman from Maryland says, some of the sixes and sevens are owned in Europe, and a short time would not give them an equal chance to make the exchange. Such, if

any there be, have, no doubt, their agents here, vested with discretion, and know full well what would be for the interests of their principals. Delays are dangerous, and, in this case, procrastination is the thief of time. In my humble opinion this exchange must be effected before autumn, or never.

One word, finally, on the fourth point proposed, as to the time when these fives, if the books for exchange be opened, shall be payable? The bill, I believe, said Mr. W., has set the time at 1831–'32–'33, and these years may be the proper ones. If the time be fixed, and extended to a period too remote, perhaps the new stock ought to bring a premium; if within a limit too short, the exchange cannot be effected; and it is very difficult to prepare a data from which to draw any satisfactory conclusions. But, if long threes and fives are now as quick in market, and bring as great a premium as gentlemen have supposed, one might conclude these years would be the times which ought to be fixed in the bill. I am unequivocally in favor of the projected exchange, believing, as I do, that it will be promotive essentially of the interest of this Government.

Mr. TRACY was opposed to the amendment, because he was opposed to the principle of the bill. He thought it would be either inoperative, or the Government would lose by the project; for it was really a question whether the Government was more acute in bargaining than the stock-jobbers, and the expediency of the measure depended upon that point, concerning which he thought the House could not entertain a doubt. He believed the proposition would not be accepted; for, as it was of a voluntary character, it certainly would not be, unless the jobbers and brokers should find it for their interest to agree to it. Every man was to be trusted in his own art, and he thought it extremely impolitic for this Government to enter into competition with the keener brokers of Wall street. He also thought the effect of it might be to lull the people into a listlessness on the subject of the public debt, and virtually to authorize expenditures which we could not well bear, under the impression that the debt was indefinitely postponed, and that all things wers going on well.

Mr. RICH proposed the following amendment:

"Strike out 'thirty' third line, and insert 'twenty-six' seventh line, to wit: For the seven per cent. stock, and for the six per cent. stock of the year 1812, to an amount not exceeding twelve millions of dollars; for the six per cent. stock of the year 1813, to an amount not exceeding fourteen millions of dollars."

Mr. CUTHBERT observed, that although, in the administration of our finances, the conversion of stocks was a matter of experiment, yet it was not so in other countries. Nothing was more common; nor did it follow, in such conversion, that the operation could not be made advantageously to both parties. Originally, stocks are taken up by money dealers; but in a Government whose credit is good, it usually gets into the hands of those who are prudent and cautious, and unwilling to enter into hazardous speculations, but are desirous of possessing a steady and certain income. Hence it is not a competition between the Government and the jobbers, but recommends itself by the accommodation of persons who prefer a settled and certain income to a stock which will be shortly redeemed, though entitled to a higher rate of interest. Mr. C. was in favor of the amendment proposed by the gentleman from Vermont, (Mr. RICH,) for he was apprehensive that, without it, there would be so much brought into market as to destroy the competition.

Mr. RHEA entered at some length into the discussion, and was opposed to all the amendments proposed.

Mr. COOK was opposed to the principle of the bill. In the course of his remarks, he observed that it was better for the Government to create a new five per cent. stock, than to undertake to exchange it; for there would be a combination among the stockholders which would effectually defeat the purpose of the bill. The holders know full well that the Government will not be able to pay the debt when it becomes due, and will make their calculations accordingly.

Mr. TRIMBLE was opposed to the amendment as proposed by the gentleman from Vermont, (Mr. RICH,) because he preferred that which was originally proposed. He was not disposed, however, to admit, with the mover, (Mr. CAMBRELENG,) that there was danger of war from measures that the House would probably adopt in a few days, so as to affect the price of stocks. Mr. T. was inclined to believe there had been, or would be, such an increase of revenue as materially to reduce the public debt, and presented an extended view of the subject in detail, arriving at the conclusion that it would not realize the expectations that had been entertained. He stated that the annual revenue from the customs had generally been at about the ratio of one dollar and fifty cents to each individual in the country; and he thought there was no reason to expect a disproportionate increase hereafter. It would probably increase, only according to the increase of population. If, therefore, even the bill should pass, yet it would be found necessary to retrench, and he was satisfied that retrenchment might be made to the extent of a million of dollars, without any possible injury to the public service and safety. He thought the time was favorable, and he should vote for the bill, unless it should be shown that we could meet the debt without it.

Mr. BALDWIN remarked that this was the first time for many years in which Congress had gone into an examination of its financial concerns; and that subject must always be important which affects the credit of the Government. In order to establish it on a firm footing, it was desirable to establish it, as a maxim, always to redeem our debts, at the time when they are redeemable. A great question then was, whether and how far the debt could be met by the ordinary revenue of the Government; and he was disposed, from the best view he could take of the subject, to consider the proposition of the gentleman from New York (Mr. WOOD) to extend this bill to forty millions, as the better plan. As we had gone on for some years

past, the Government has paid the interests of short stock, and the holder gets the benefit of long stock. The high price of our stock did not now depend so much on the great credit of our Government, as on the difference of exchange; and, although our revenue had increased, yet the debentures were stationary, and he could not view the state of our revenue in the same favorable point of view as the gentleman from Maryland (Mr. SMITH) seemed to consider it. We were now as prudent men looking over the state of our accounts; and if we can now, owing to the rate of exchange and the peculiar state of the money market, reduce the interest from six and seven per cent. to five, we ought to do it. He should not further press the amendment he had offered some days ago, to include the two millions; for the House had refused it, and taken the pledge of the chairman of the Committee of Ways and Means, that it would be paid—the one-half this year, and the residue the next. He begged that fact might be remembered, and he hoped the pledge would be redeemed. He concluded by expressing his approbation of the bill, for, he believed, the more the subject was examined, the more clearly it would be found that the revenue was not more than adequate to the current expenses of the Government.

Mr. RHEA made some further observations in opposition to the amendment; when the question was taken, and Mr. RICH's proposition was lost.

Mr. RICH moved to amend the amendment by inserting in the 7th line as follows:

And for the six per cent. stock of the years 1814 and 1815, to an amount not exceeding four millions of dollars.

After a few remarks in support of the amendment by the mover, and in opposition to it by Mr. CAMBRELENG, the question was taken, and the amendment negatived.

The question then recurred upon the original amendment of Mr. CAMBRELENG, which was also negatived—yeas 52, nays 78.

No further amendment having been offered, the second section of the bill was read, when

Mr. VAN WYCK moved to amend the same by adding the following, after the 40th line in the 2d section:

Provided, That, if the stockholders of the aforesaid six and seven per cent. stocks decline exchanging such stock for the five per cent. stocks, proposed in the bill, that it shall then be the duty of the Secretary of the Treasury, after the first day of January, 1823, to reopen the said subscription books, indiscriminately, to the citizens of the United States, which books shall remain open until after the 1st day of January, 1824, and from which proposals the best terms shall or may be accepted by the Secretary of the Treasury. *And be it further provided*, That no such stocks created, shall be subscribed for, transferred to, or owned by, a foreigner, in a foreign country.

The question was taken on the proviso, and negatived without a division.

Mr. MILNOR submitted the following amendment to the 2d section:

In line 19, strike out one and insert three.
In line 21, strike out two and insert six.
In line 33, strike out three and insert eight.

The amendment was supported at considerable length by the mover, and opposed by Mr. TUCKER of Virginia, and Mr. GORHAM; when the question was taken on the first branch of it and lost, and the residue was withdrawn by the mover, when the Committee rose and reported the bill to the House.

In the House, Mr. CAMBRELENG proposed to amend the first section, by striking out all that part of it which follows the enacting clause, comprising the same provisions with that which he had offered in Committee of the Whole, except reducing the sum from thirty to twenty-six millions, and directing the books to be opened from the first of May to the first of August.

Mr. BUCHANAN said, he felt it to be his duty to express his decided opinion in favor of the amendment of the gentleman from New York, (Mr. CAMBRELENG.) However unpromising might be its prospect of success, he was so firmly convinced it ought to succeed, he would briefly state his reasons for his opinion. The principle of the bill, said Mr. B., is unexceptionable. If we could pay the debt, when it shall become due, that would be the most politic course. This is admitted to be impossible, even by those who are the most sanguine in their calculations respecting the revenue. After the $26,000,000 shall have been exchanged under the provision of this bill, the remainder of the war loans will be more than we will be able to pay as they become due. It therefore becomes a wise and prudent people to provide, in time, the means of keeping up the credit of the Government. We can now do this, and save, at the very least, an annual expenditure of interest of $260,000 from the time when the bill shall go into operation. The question, however, now is, between the first section of the present bill and the proposed amendment. Mr. B. said he was in favor of the latter. The universal peace which followed the general war throughout Europe, had opened the avenues of trade to all nations. By that means much of the capital of our merchants had been driven from commerce, and was vested in the public funds. The price of money became cheap, because we had much more than was demanded to carry on our commerce. Trade has, however, been lately reviving, and the demand for money is becoming greater. Should we realize all the benefits from declaring the South American provinces independent, which we anticipate, and should other events transpire, which are at least probable, new channels of trade will be opened to our commercial enterprise. Delay upon this subject may therefore be dangerous. We have every reason to believe that the exchange could now be effected upon very advantageous terms—what will be the state of the money market by October next, it is impossible to foresee. The amendment contemplates that proposals shall be received by the Secretary of the Treasury from and after the first of May next; the original section, not until October. In this respect, Mr. B. thought the amendment preferable to the bill as it then stood. The chairman of the Committee of Ways and Means had thought the bill should not go into operation until

the 1st of October next, that the foreign holders of stock might have an opportunity of taking advantage of its provisions. Mr. B. said, he could not perceive upon what principle we should endanger the success of the bill, by waiting until they might have an opportunity of subscribing. He also preferred the amendment for another reason. The five per cent. stock of the Government was now selling in the market at an advance higher, by between three and four per cent., than the six per cent. stocks redeemable in 1825 and 1826. The bill, as it at present stands, will give the benefit of this premium to the stockholders of the Government, at the public expense. Why should we extend these advantages to any description of men in the community? We should be just; it cannot be expected we will be generous to the public creditors; because, by acting in this manner, we injure our constituents. A premium of three per cent. on the $26,000,000, proposed to be exchanged by this bill, would amount to $780,000. I hope the House are not prepared to give this large sum, without any equivalent, to the holders of the public stock. The amendment can do no harm. The Secretary has no power to make a worse bargain, under its authority, than under that of the original bill; he may, however, and in all human probability will, make one that is much better. This bill, as it stands at present, presents a singular incongruity. The six per cent. stock, due in 1824 and in 1825, is placed on the same footing, and yet the one is clearly more valuable than the other. They must both be exchanged for five per cent. stock on the same terms, and it is out of the power of the Secretary to make a different bargain in the one case from the other. Mr. B. said he believed, if the amendment were adopted, it would be a clear saving to the country of between half a million and a million of dollars; and, under that impression, he would call for the yeas and nays, that his vote might be recorded in the affirmative.

The amendment was further supported, after a modification, at the suggestion of Mr. COOK, by Messrs. TUCKER of Virginia, and GORHAM, and opposed by Mr. RHEA, and Mr SMITH of Maryland, when the question was taken and decided by yeas and nays in the affirmative—yeas 109, nays 38, as follows:

YEAS—Messrs. Alexander, Allen of Massachusetts, Allen of Tennessee, Baldwin, Barber of Connecticut, Barber of Ohio, Bateman, Baylies, Bigelow, Blackledge, Blair, Borland, Brown, Buchanan, Burrows, Cambreleng, Campbell of Ohio, Cannon, Cassedy, Chambers, Cocke, Conkling, Conner, Cook, Crafts, Cuthbert, Dane, Darlington, Edwards of Pennsylvania, Edwards of North Carolina, Farrelly, Findley, Garnett, Gebhard, Gorham, Gross, Hardin, Harvey, Hendricks, Hobart, Hooks, Hubbard, J. T. Johnson, J. S. Johnston, Keyes, Lathrop, Leftwich, Lincoln, Litchfield, Little, Long, Lowndes, McCarty, McCoy, McDuffie, McLane, McNeill, McSherry, Matlack, Matson, Mattocks, Mercer, Metcalfe, Milnor, Mitchell of Pennsylvania, Moore of Pa., Morgan, Murray, Neale, Nelson of Massachusetts, Patterson of Pennsylvania, Phillips, Pierson, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Reed of Maryland, Rich, Rogers, Ruggles, Russell, Sergeant, Sloan, Arthur Smith, S. Smith, Alex. Smyth, Sterling of Connecticut, Sterling of New York, Stevenson, Stoddard, Swan, Swearingen, Taylor, Thompson, Tod, Tomlinson, Tucker of Virginia, Van Wyck, Walworth, Whipple, White, Whitman, Williams of North Carolina, Williams of Virginia, Williamson, Wilson, Wood, and Worman.

NAYS—Messrs. Ball, Bassett, Bayly, Campbell of New York, Condict, Cushman, Denison, Durfee, Dwight, Eddy, Edwards of Connecticut, Eustis, Fuller, Gilmer, Gist, Hall, Hawks, Holcombe, Jackson, F. Johnson, Jones of Virginia, Jones of Tennessee, Kent, Kirkland, Moore of Alabama, Overstreet, Reed of Massachusetts, Rhea, Ross, Russ, Sanders, S. Smith, Spencer, Tatnall, Tucker of South Carolina, Vance, Woodcock, and Woodson.

Mr. CAMBRELENG proposed an amendment to the second section of the bill, so as to make it conform to the amendment which had just been adopted in relation to the first. The amendment was agreed to.

Mr. MILNOR renewed the motion he had made in the Committee of the Whole, and the three propositions it contained, being taken collectively, were carried—ayes 63, noes 58.

Mr. LOWNDES made some remarks upon the necessity of framing the bill in such a manner as to equalize the premiums of the loans to be made, but, as his health had not permitted him to prepare any amendment calculated for that object, and as he had not anticipated the result to which the House had arrived, he suggested to the chairman of the Committee of Ways and Means the propriety of moving to adjourn, that a proper provision might be introduced upon that important subject; and, thereupon, the House adjourned.

FRIDAY, March 22.

Mr. KENT, from the Committee for the District of Columbia, reported a bill to incorporate the inhabitants of Georgetown, and to repeal all other acts heretofore passed for that purpose; which was read twice, and committed to the Committee of the whole House to which is committed the bill to repeal part of an act passed by the State of Maryland in the year 1784, and now in force in Georgetown, entitled "An act for an addition to Georgetown in Montgomery county."

Mr. SERGEANT, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act to amend the laws now in force, as to the issuing of original writs, and final process, in the circuit courts of the United States within the State of Tennessee," reported the same without amendment, and it was ordered to be read a third time to-morrow.

Mr. SERGEANT, from the same committee, to which was also referred the bill from the Senate, entitled "An act supplementary to an act, entitled 'An act authorizing the disposal of certain lots of public ground in the city of New Orleans and town of Mobile,'" reported the same with an amendment to the title thereof, viz: strike out the words "and town of Mobile;" which amendment was concurred in by the House, and it was

ordered that the said bill be read a third time to-morrow.

Mr. Eustis, from the Committee on Military Affairs, to whom the subject was referred, reported a joint resolution authorizing the delivery of rifles promised to Captain Aikin's volunteers at the siege of Plattsburg; which resolution was read twice, and committed to a Committee of the Whole.

A motion was made by Mr. Walker, that the House do now proceed to consider the unfavorable report of the Committee of Ways and Means on the petition of Julia Plantou; and the question thereon being taken, it was determined in the negative.

On motion of Mr. Hendricks, the House agreed to consider the report of the Committee of the Whole, striking out the first and only section of the bill for the relief of Benjamin Freeland and John M. Jenkins.

A debate of considerable length ensued upon the question of concurrence with the Committee of the Whole in their report; in which the concurrence was opposed by Messrs. Hendricks, Cook, Mallary, Chambers, Moore of Alabama, Walker, and Sloan, and supported by Messrs. Rankin, Hill, Cannon, Hardin, and Tomlinson, and decided in the affirmative—ayes 65, noes 61, and, consequently, the bill was rejected.

The Speaker laid before the House a communication from the Treasury Department, on the subject-matter of the petition of George Simpson; which, on motion, was ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed bills of the following titles, viz: "An act for the relief of Holden W. Prout, administrator on the estate of Joshua W. Prout, deceased;" and "An act for the relief of Andrew Mitchell;" in which bills they ask the concurrence of the House.

The Speaker laid before the House a report from the Secretary of the Treasury on the petition of George Simpson; which was read, and ordered to lie on the table.

EXCHANGE OF STOCKS.

The House again resumed the consideration of the unfinished business of yesterday, (the bill to authorize the exchange of certain stocks.)

Mr. Lowndes, after some prefatory observations, submitted the following amendment, to be inserted after the words "United States," in the 22d line of the first section:

"*Provided, always,* That, where different terms may be offered for the exchange of the same stock, the Secretary of the Treasury shall allow to all the subscribers of the same stock terms equally favorable. *And provided, also,* That the Secretary of the Treasury shall accept only such amount of subscription under each loan as he may deem most conducive to the public interest; but he may afterwards admit, at any time before the next session of Congress, a further subscription, on the terms of the subscription before accepted, provided the whole amount shall not be more than twenty-six millions of dollars."

Mr. Tracy was apprehensive that this amendment would increase his principal objection to the bill, by giving greater effect to the combinations of those who hold the stock which it is proposed to exchange. He was also opposed to it on a ground which applied, perhaps, equally well to the bill itself—that this was nothing more nor less than a provisional loan of twenty-six millions; and he proceeded in an argument at considerable length, to show the inexpediency of such a loan. It was of greater amount than the Administration called for, and this amendment narrowed the field of competition.

Mr. Lowndes made a small modification of his amendment, and replied briefly to the observations of the gentleman from New York, (Mr. Tracy,) and contended that the reverse of the position he (Mr. T.) had taken, relative to the combination of the stockholders, would result from adopting the amendment; and he contended that it would hold out an inducement to the holders of stock in every part of the Union to make a liberal bid to the Government.

Mr. Walworth made a few further remarks in opposition to the amendment; when

The question was taken thereon, and decided in the affirmative—ayes 65, noes 42.

On the question whether the bill should be engrossed for a third reading—

Mr. Tomlinson rose and said, that, when this bill was presented to the consideration of the House, he was inclined to favor its passage, but, by an examination of the subject, he had arrived at the conclusion that it ought not to be adopted. His mind had been brought to this result, in consequence of the amendment adopted, on the motion of the honorable member from New York, (Mr. Cambreleng.) He had, he said, on a former day, assented to that amendment, but more mature reflection had convinced him of his error. Thus circumstanced, he deemed it his duty briefly to explain his views of this matter, and he hoped he should not be considered by the House as unnecessarily prolonging a discussion which had already occupied so much of its time. He said he had uniformly advocated the policy of extinguishing the debt of this country as speedily as possible, and had hoped to see the day when the United States should present the solitary example of a nation unencumbered with the public debt. Sir, said he, need you be told that such a nation will be secure in its institutions—will be powerful—will command the affections of its own citizens and the respect of the world?

Against the doctrine, that "a national debt is a national blessing," he had heretofore protested, and was not now prepared to give it his sanction. Such a debt might tend to render stable a despotic Government, because it enabled such a Government to derive that support from the interest of its subjects, which it could not expect from their affections. But in our Government it is otherwise. Founded upon the great and just principles of liberty and self-government, to its permanency the aid of a public debt is not necessary. The strong bonds of mutual attachment which now exist,

and he trusted ever would exist among the people of the United States, would, he hoped, render perpetual that form of Government, whose benign influence was so universally felt and acknowledged.

In 1820, Mr. T. said, when the national debt was reduced to $88,899,333 57, he thought he saw a reasonable prospect of its further reduction, but he was sorry to be compelled to say that he had been disappointed in that expectation, and that the debt had, on the first of January, 1822, risen to $93,423,605 73, making, in the two years, an increase of $4,524,272 16.

What is now proposed, said he, by the bill as amended? It is to effect a *loan* of $26,000,000, payable, at the pleasure of the Government, in the years 1831, 1833, 1836, and 1838. He used the term *loan*, for that was the proper term. The operation proposed could be considered in no other light than a loan, for the purpose of discharging the debt which will be payable in 1825 and 1826; restricted, it was true, to stockholders, but not the less objectionable on that account. Why, asked he, will you make this early preparation to meet that portion of the debt? Why not postpone it until the debt shall become payable? Will it not then be in season to make provision for this payment in case your income should be inadequate to do it?

It is urged by the honorable member from Massachusetts (Mr. GORHAM) that the credit of the Government is now good, and it is prudent to carry that credit into market and now avail ourselves of it. But, sir, said Mr. T. what reason have you to apprehend that your credit will not be as high two years hence as now? Is there any thing in our political or commercial relations which justifies the belief that the credit of the Government will depreciate? On the contrary are not those relations such as to lead the mind most decidedly to a different result? The character of the nation abroad is elevated—the ability of the Government, to sustain itself against opposition from within, and assaults from without, has been fully and satisfactorily tested. The resources of the nation are known to be adequate to meet all its engagements. No stock deserves to be considered, and none is, in fact, considered more safe than that of the United States. Ask foreigners, well informed and candid, what they think of your credit, and, rely upon it, they will tell you that it is constantly appreciating and will continue to do so. Tell me not, then, that your stock will command a less premium in 1825, than it now does. Is it not probable that the price of stock will be enhanced? Should that event take place, it is arithmetically certain that you lose by the proposed exchange of stock. This will not be denied.

But, Mr. T. said, if it be admitted that the value of money shall not appreciate, or, in other words, the rate of interest continue as it now is, and the five per cent. stock command in 1825 the premium which is now given for it, it is demonstrable, that, by the proposed measure, the Government will sustain an actual loss. The five per cent. stock is now at nine per cent. above par, and the six per cent. at an average of six per cent. above par. Now, if you secure to the Government the difference between the price of five per cent. and the six per cent. stock, which will be three per cent. and you save one per cent. interest, for about two years, as this bill is to go into operation near the close of the present year; then, the whole gain to the Government, by this operation, will be but five per cent. But should you wait until 1825, when the six and seven per cent. stock shall have become payable, those stocks, instead of being at six and nine per cent. above, will be at par; that is, the Government will then have a right, by the terms of the original loan, to compel the holders of those stocks to receive their pay, and to surrender their certificates. If your credit should then be as good as at present, and five per cent. stock command the premium which it now bears, the whole of that premium of nine per cent. will be gained by the Government, and a clear profit made to the nation of the difference between the premium thus secured, and the excess of interest paid for two years. The result then is, that, by deferring this loan until 1825, when your debt is payable, a clear profit will accrue to the Government, of at least four per cent. on $26,000,000, amounting to more than one million of dollars. This, he said, was arithmetically certain, if the credit of the Government remained the same as at present. If the value of money be either depreciated, or the same as it now is, in 1825, then the Government will certainly lose by adopting the present bill. This proposition seemed to him incontrovertible. Here then are two chances against you. In what event are you to gain? Only, in the very improbable one, that the price of five per cent. stock, in 1825, shall have experienced a considerable depression. What will produce this state of the money market, and thus increase the rate of interest? Why, say gentlemen, our foreign commerce is increasing, and becoming more extended and profitable. South America, too, it is said, is to be opened to us, with which we shall be enabled to carry on a very lucrative trade, and the surplus capital of the country will thus find employment. Let us not be too sanguine; these bright and cheering anticipations may not be realized; other nations may, and probably will, participate with us in these commercial advantages. Every commercial nation, said he, is making uncommon efforts to extend its commerce. But, is it, said Mr. T., true, that the rate of interest increases, in proportion to the commercial prosperity of a country? Does not a profitable commerce bring into the country a surplus capital which, from time to time, the owners may wish to invest in permanent and safe funds? Did the rate of interest increase in Holland, with the advancement of her commerce? It is not true, that when the commerce of that country was at its highest point of prosperity, the rate of interest was most depressed? Is not the same true of England, and every other distinguished commercial nation? But, said Mr. T., if the expectations of gentlemen be well founded, and commerce should give that employment to the capital of the country which is anticipated, will not the necessary and inevitable

result be, that the revenue of the country will be increased? A prosperous commerce will fill the Treasury. From the commencement of this Government to the present moment, has not experience shown, that the income of the nation has been graduated by its commerce? Does commerce flourish?—then your Treasury is replenished. Is it depressed?—the Treasury is in want of money. If then our commerce is to be so flourishing and extensive, as to absorb all the capital of the country, the Treasury will be furnished by the customs with the means of paying this debt. In any aspect, therefore, in which this subject can be viewed, it was inexpedient to adopt the plan of converting the present outstanding stock into stock irredeemable for periods so long as those fixed in the bill now under consideraton.

Mr. T. said, he did not understand this subject very intimately, much less did he feel disposed to dictate a course to be pursued in relation to this subject; but it seemed to him that the mode most expedient for the Government was, to defer the whole matter until 1825, when the war loan of 1813 will be payable, and then, if no other mode could be devised for its discharge, to go into the market with a loan for such portion of that stock as the Government shall not then possess means to pay. Should this course be adopted, a fair competition would be afforded, not only to the holders of stock, as proposed by the present bill, but you would avail yourselves of the additional competition created by the capital which money lenders might wish to invest in stock. In my judgment, said he, this is the proper course for the Government—it is the fair and honorable course, and one which will preserve the Government from the imputation of stockjobbing, to which the amendment in its operation would render it liable. Mr. T. said, he was gratified to perceive, that, in the opinion which he had just expressed, he was supported by the Secretary of the Treasury, given to this House in his annual report, who might be considered as having some little knowledge on this subject, as well as the honorable gentleman, by whose amendment the only valuable feature of the bill had been destroyed.

Mr. T. referred to the report of the Secretary of the Treasury, for the purpose of showing, that, should such an exchange of stocks be deemed inexpedient or impracticable, "a saving of equal, if 'not greater extent, may be effected in the years '1825, 1826, 1827, and 1828, by borrowing, at the 'rate of 5 per cent. in the first and each successive 'year, a sum equal to the difference between the 'amount redeemable and that portion of the Sink-'ing Fund applicable to its redemption; and thus 'a saving be secured to the extent of that differ-'ence by the latter process." There is, said he, much wisdom in this plan. You borrow the money when you want it; you pay off your debt at par; and by going into the market with a loan of a small amount you will probably secure a high premium. But what does the amendment propose? To bring into the market $26,000,000 of 5 per cent. stock at one time. Does not every one know that the effect of throwing into market such an immense amount of stock, at a given period, would be to diminish the value of it? The amendment is indeed framed upon the idea that a premium is to be obtained on stock when there is $26,000,000 in market. Sir, said he, this idea is perfectly fallacious, not to say visionary. The stockholders and brokers understand this matter; they know that by sending a large quantity of a given article into market you reduce its price; and depend upon it, sir, their conduct will be influenced by that knowledge.

But this is not the most objectionable feature of the bill, as amended. A general subscription of stock is authorized by that amendment, without designating the particular stock to be received. What is the consequence? What every man who examines the subject with the least attention cannot fail to understand. The stock which is the least valuable—the 6 per cent.—will be subscribed, and the 7 per cent. left unextinguished, and bearing interest until it shall become payable, and the Government be in possession of the necessary funds to discharge it.

In this, Mr. T. said, consisted the decided superiority of the bill reported by the Committee of Ways and Means over the amendment under consideration. The bill reported by that committee wisely requires that the $8,606,355 27 of 7 per cent. stock shall be exchanged and extinguished. The amendment leaves it optional with the holders to subscribe that or any other stock. The 7 per cent. stock is at $109, while the 6 per cent. is at $106. Will the holders of stock then continue to hold their 6 per cent. and surrender the 7 per cent.? He did not believe the stockholders would be guilty of such folly. They understand plain arithmetic, and will by a very easy process arrive at the result, that, by surrendering the 7 per cent. in lieu of 6, they must inevitably lose 4 per cent. Will they do it? They are not apt to disregard their own interest; certainly they are not blind to it.

There were other views which might be taken of this subject, Mr. T. said, but that which he had attempted to present to the House would induce him to vote against the bill.

After Mr. TOMLINSON had concluded his remarks—

Mr. DWIGHT, of Massachusetts, rose and observed that he had on yesterday voted in favor of the amendments (postponing still further the redemption of the new stocks) which had been proposed by the gentleman from Pennsylvania, (Mr. MILNOR,) and which were adopted by the House. He now moved to reconsider that vote, and briefly stated the reasons which had induced him to change that opinion. He thought it was a sound rule in public as well as in private affairs to defer payment of debts no longer than necessity requires; and he had become satisfied that in 1831, 1832, and 1833, we should be able to pay off these debts, and he was therefore unwilling to extend them beyond those periods. There were but two reasons, he said, which had been or he thought could be urged in favor of the amendments of the gentleman from Pennsylvania—the first, that the re-

sources of the Government would not enable them to redeem the stock to be created by the bill at an earlier period than 1838; the second was, that stock at 5 per cent., created according to the provisions of the original bill, redeemable in 1831, 1832, and 1833, would not acquire sufficient value in the market to induce the holders of the 6 and 7 per cent. stocks, redeemable in 1825 and 1826, to exchange such stocks for 5 per cents., redeemable at no later period than 1833. In regard to the first of these reasons, he would undertake to show that, so far from the Government being unable to redeem these stocks at an earlier period than 1838, there would be, upon the basis of the present revenue, more than the sum of $9,000,000 in each of the years 1831, 1832, and 1833, disengaged from any other objects contemplated by the act of 1816, creating the Sinking Fund, and applicable to none of the objects of the Government, unless these stocks were (as he hoped they would be) made redeemable in those three years. Gentlemen, he said, by recurring to the annual report of the Secretary of the Treasury, would be enabled to see a calculation by which the whole of the national debt, except the 3 per cents. of thirteen millions and a quarter, would be redeemed in 1839, upon the basis of a sinking fund of 8,000,000, commencing in 1825. If this calculation were correct, he might assume that the whole debt would be paid in 1837, provided the above sinking fund should be made applicable to that object as early as 1823. But gentlemen, he said, had asked, from what sources a sinking fund of $8,000,000 was to be obtained? He thought he could answer that question satisfactorily to every member of the House.

It was apparent, that, out of the revenue of the present year, the Government had appropriated to the extinguishment of the interest and principal of the public debt, the sum of - - -	$5,722,000
Add to this sum the probable balances in the Treasury at the end of each year, upon the basis of the present expenditure -	1,000,000
And the sum which will be raised annually, by the correction of the duties -	1,500,000
And the sum which will be, in 1824, disengaged from the payment of the deferred stock - - - - - - - - -	600,000
And the sum which will, in 1827, be disengaged from the Navy appropriation -	500,000
And you have the sum of - -	$9,322,000

Here, then, he said, was a surplus of 9,322,000 over the proposed sinking fund of eight millions, which surplus would be more than sufficient to counterbalance the deduction to be made on account of the two last mentioned sums not being disengaged until 1824 and 1827. If, he said, he had shown, as he believed he had, incontrovertibly, that the Government would have surplus means to constitute a sinking fund of eight millions, applicable to the public debt, in each of the succeeding seventeen years, the first ground taken in favor of the amendment of the gentleman from Pennsylvania had failed entirely. He would detain the House but to say one word upon the second ground, which he thought equally untenable. It would be seen by a recurrence to the prices of stocks, that our six per cents, created in 1812, redeemable in 1825, were worth 105 to 106, while the sixes of 1815, payable in the year 1828, were now worth 110 to 111, and that the five per cents, payable in 1830, were worth as much in the market as either the sixes or sevens proposed to be exchanged by the bill. There was, then, no necessity for going beyond the years 1831 and 1833, to effect the objects of the bill; and he hoped the House would agree to reconsider the vote, and subsequently to reject the amendment of the gentleman from Pennsylvania.

Mr. MERCER asked if it was in order to reconsider a proposition after it had been amended? and, if so, what would be the effect of such a reconsideration upon the amendment?

The SPEAKER decided that the motion to reconsider was in order.

Mr. CAMBRELENG opposed the reconsideration, and replied to the remarks of the gentleman from Connecticut, (Mr. TOMLINSON.)

The motion to reconsider was further supported by Mr. SMITH, of Maryland, Mr. LOWNDES, Mr. RHEA, and Mr. EUSTIS, and opposed by Mr. MILNOR and Mr. BUCHANAN; when the question was taken, and the motion of Mr. DWIGHT to reconsider was carried.

The amendments of Mr. MILNOR being then before the House *de novo*, the question was taken on the same collectively, and they were negatived.

Mr. COLDEN then moved to adjourn; which motion was lost.

Mr. WILLIAMS, of North Carolina, moved to reconsider the vote taken on yesterday, upon the amendment of the first section of the bill, as proposed by the gentleman from New York, (Mr. CAMBRELENG.) Mr. W. remarked that he should make no observations on the motion; and for his reasons he should refer to the remarks which had fallen from the gentlemen from Connecticut, (Mr. TOMLINSON,) in which he fully concurred.

The question was then taken thereon, and the motion to reconsider prevailed—ayes 77 noes 43.

Mr. MERCER moved to adjourn. Lost.

The main question on Mr. CAMBRELENG'S amendment being now before the House—

Mr. WALWORTH moved to strike out that part of it which had been added this morning as a proviso, on the motion of the gentleman from South Carolina, (Mr. LOWNDES.)

This motion was also negatived.

Several questions of order were then raised, as to the effect of the propositions, positively and relatively, as they now stood before the House; in which Messrs. WALWORTH, GORHAM, MERCER, RICH, LOWNDES, and CAMBRELENG, expressed their views on the subject.

Mr. COOK moved to reconsider the vote by which the House had negatived the motion of the gentleman from New York, (Mr. WALWORTH,) to strike out the amendment of the gentleman from South Carolina, (Mr. LOWNDES.)

The question being taken, the motion to reconsider was negatived.

Mr. Cook moved to insert, after the word *Treasury*, in the first and nineteenth lines, respectively, the words, "under the superintendence of the President of the United States."

Mr. Bassett opposed the motion; and the question being taken thereon, it was also negatived.

Mr. Farrelly renewed his motion to adjourn; which was again lost.

The question then recurred on the original amendment, as proposed by Mr. Cambreleng, and amended on the motion of Mr. Lowndes.

Mr. Sergeant observed, that he would vote for the amendment, but against the bill altogether. He considered it in the light of a bet to be made between the United States on the one hand, and the stockholders on the other, as to what would be the state of things in the year 1825, in which the odds were in favor of the latter. It was putting our wisdom in money matters against all the collected wit of the United States, and in a case in which the Government was bound, and the creditors left free. It was therefore an unequal bargain, for we must judge now, and they have all the chance of the intervening period to aid their judgment. These calculations were their trade, but were not within the ordinary range of Congressional business; and he had a further objection to the bill, that it was imperfect without the amendment of the gentleman from New York, (Mr. Cambreleng,) and that amendment required the proviso of the gentleman from South Carolina, (Mr. Lowndes,) and the whole involved the Secretary of the Treasury in a dilemma, in which it was not right to involve him, and from which no ordinary good fortune could enable him to escape.

The question was then taken on the amendment of Mr. Cambreleng, and negatived—yeas 36, nays 74.

The original bill, as reported by the Committee of Ways and Means, being now before the House—

Mr. Cambreleng moved to amend the same, by introducing his original amendment, in the form first proposed, without the proviso of the gentleman from South Carolina, (Mr. Lowndes.)

Mr. Rhea moved the previous question, but the motion was not accorded by the House—ayes 52, noes 55.

Mr. F. Johnson moved to lay the bill and amendment on the table. This motion was also negatived—ayes 50, noes 68.

Mr. Moore, of Alabama moved to adjourn—lost.

Mr. Cambreleng withdrew his amendment, whereupon—

Mr. McDuffie again proposed it.

Mr. Dwight submitted to the Chair whether it was in order.

The Speaker decided that the motion was in order.

Mr. Moore, of Alabama, called for the yeas and nays—but the call was not sustained by the House.

Mr. Rich moved to amend the amendment by inserting in the sixth line, after the words "per annum," the words "the six per cent. stock of the year 1820 excepted."

This modification was assented to by the (now) mover.

Mr. Rich then further moved to amend the amendment by adding, as the second proviso, the following:

"*And provided, also*, That of the seven per cent. stock, and of the six per cent. stock of the year eighteen hundred and twelve, inclusive, no more than twelve millions of dollars shall be exchanged in the manner provided by this act."

The proviso was also accepted as a modification by Mr. McDuffie.

The question was then taken on the amendment, and negatived by a large majority.

The main question then recurred upon ordering the original bill to be engrossed for a third reading.

Mr. Rich called for the yeas and nays, which was refused, and after a few remarks by Mr. Chambers, in opposition to the bill, the question was taken thereon, and the bill was rejected—yeas 61, nays 65. And then the House adjourned.

Saturday, March 23.

Mr. Smith, of Maryland, from the Committee of Ways and Means, to which was referred the bill from the Senate entitled "An act for the relief of Samuel H. Walley and Henry G. Foster," made a report thereon, recommending the rejection of the said bill; and the bill was committed to a Committee of the Whole.

The House took up and proceeded to consider the report of the Committee of Claims, on the petition of James Randall and wife: whereupon the petitioner had leave to withdraw his petition and accompanying documents.

On motion of Mr. Moore, of Alabama, the Committee on the Public Lands were instructed to inquire into the expediency of providing for the fair and equitable adjustment of titles to lots in the town of Mobile; and titles to land derived from the Spanish and French authorities, which have not been embraced by any former law, situated in that part of Alabama called West Florida, and in the State of Mississippi, east of Pearl river.

On motion of Mr. Van Wyck, the Committee on the Public Buildings were directed to consider and report what disposition had better be made of the paintings by Colonel Trumbull, authorized by Congress.

On motion of Mr. Bateman, the Committee on the Militia were instructed to inquire into the expediency of making further provision, by law, for the more equitable enrolment and faithful return of the militia of the United States.

An engrossed bill from the Senate to amend the laws now in force as to the issuing of original writs, and final process in the circuit courts of the United States, within the State of Tennessee, was read a third time and passed.

A bill from the Senate for the relief of Holden W. Prout, administrator of the estate of Joshua W. Prout, deceased, was twice read, and committed to the Committee of Claims.

A bill from the Senate for the relief of Andrew

Mitchell was read twice and committed to the Committee of Ways and Means.

Mr. STERLING, of New York, moved for a reconsideration of the vote taken yesterday on the bill for the relief of Benjamin Freeland and John M. Jenkins, when the question was taken thereon and negatived—ayes 52, noes 65.

On motion of Mr. SERGEANT, the House agreed to consider the bill supplementary to an act for the better organization of the courts of the United States within the State of New York; when

Mr. WALWORTH moved to recommit the bill to the Committee on the Judiciary, with instructions so to amend the same as to provide for the establishment of a circuit court in the northern district of the State of New York.

Mr. SERGEANT made a few remarks in opposition; when

Mr. WALWORTH withdrew the motion to recommit with instructions, and proposed to recommit the bill generally; when, on further motion of Mr. SERGEANT, the bill was ordered to lie on the table.

An engrossed bill from the Senate, supplementary to an act entitled an act authorizing the disposal of certain lots of public ground in the city of New Orleans and town of Mobile, was read a third time.

Mr. RANKIN expressed his doubts of the propriety of passing the bill without further investigation, and concluded his remarks by moving to recommit it to the Committee of the Whole, which, at the suggestion of Mr. CONDICT, he modified by moving that the reference be made to the Committee on the Public Lands.

The motion was further supported by Mr. BUTLER, and opposed by Mr. J. S. JOHNSTON, Mr. SERGEANT, and Mr. COOK, when the question was taken thereon, and the motion negatived.

On the final passage of the bill, it was opposed by Mr. BUTLER and Mr. WILLIAMSON, and, the question being taken thereon, the bill was passed.

EXCHANGE OF STOCKS.

Mr. BAYLIES moved to reconsider the vote taken yesterday upon the bill authorizing the Secretary of the Treasury to exchange stocks bearing an interest of five per cent. for certain stocks bearing an interest of six and seven per cent. He remarked that the bill had been prepared with great care and attention, and after much reflection by the chairman of the Committee of Ways and Means. It had been decided upon, when nearly fifty members were absent, and he thought it but fair that it should be reconsidered.

Mr. COOK observed that there were fewer members now in the House than at the time the vote was taken; he therefore moved that the motion be laid on the table.

The SPEAKER decided that the motion of the gentleman from Illinois (Mr. COOK) was not in order, as the motion to lay on the table applied only to primary propositions.

Mr. HARDIN thought the object of the gentleman from Illinois might be obtained, by reconsidering and then laying it on the table, and giving it a final disposition when the House should be more full.

The question was then taken, and the motion to reconsider prevailed—ayes 65, noes 61.

Mr. RICH moved that the subject be postponed for further consideration until Tuesday next.

On this motion, a debate of some length took place, in which Messrs. J. T. JOHNSON, CONDICT, TOMLINSON, RHEA, HARDIN, and RICH, took part.

Mr. HARDIN moved to amend the motion by substituting Monday week for Tuesday next; but the motion was negatived.

The question on Mr. RICH's motion was then put and carried—ayes 77.

ALTERATION OF THE HALL.

Mr. MERCER then called for the consideration of a resolution he had some days since submitted, relative to the practicability of preparing a room in the centre building for the accommodation of the House.

Mr. M. advocated the expediency of adopting the resolution, and was followed by Mr. SMITH, of Maryland, on the same side, when

Mr. TAYLOR proposed to modify the resolution of the gentleman from Virginia (Mr. MERCER) in a manner which he hoped and presumed would meet his assent. The modification was as follows:

Resolved, That the canvass covering the Hall of the House of Representatives be removed, under the direction of the Speaker.

Mr. WOODSON was about to make some observations on the subject, when the SPEAKER reminded the House that the period had arrived in which it was no longer compatible, with the rule recently adopted, to continue the debate on the resolution, the hour having passed.

Mr. WILLIAMS, of North Carolina, moved that the resolution and proposed modification be laid on the table.

The question was taken thereon and lost; and the SPEAKER decided that the question, (it being past 12 o'clock,) was now from before the House, and a discussion took place upon an appeal by Mr. MERCER on a point of order, in which the mover and Messrs. RICH, WOOD, RHEA, WILLIAMS of North Carolina, SMITH of Maryland, SMYTH, EDWARDS of North Carolina, and ARCHER, took part, when the decision was narrowed and the appeal withdrawn.

ORDERS OF THE DAY.

The House then resolved itself into a Committee of the Whole on the report of the Committee on the Post Office and Post Roads in the case of Lemuel Fitch.

The report was unfavorable to the prayer of the petitioner, which was for exoneration from his liability as a surety for Ivory Holland, a postmaster at Richfield, in the State of New York.

Mr. HAWKS moved to amend the report by inserting the word "not," so as to grant the prayer of the petition; but the motion was negatived by a large majority.

No further amendment having been offered, the Committee rose and reported the same to the House, where the report of the Committee on the Post Office and Post Roads was concurred in.

The House then again resolved itself into a Committee of the Whole on the bill for the relief of James May and the legal representatives of William Macomb, deceased, of Detroit, and on the bill for the relief of John Anderson, when the Committee rose and reported the same severally to the House without amendment, where the reports were concurred in, and the said bills were respectively ordered to be engrossed for a third reading.

The House then went into a Committee of the Whole on a bill for the relief of Gad Worthington, a bill for the relief of Solomon Porter, jr., and a bill to remit the duties on a sword imported for Commodore Macdonough, and reported the same to the House without amendment, where the said reports were respectively concurred in, and the bills were ordered to be engrossed for a third reading.

The House then resolved itself a Committee of the Whole, on the bill from the Senate to authorize the State of Illinois to open a canal through the public lands, to connect the waters of Lake Michigan and Illinois river; also, on the bill to provide for the examination of titles to lands lying between Rio Hondo and the Sabine river, in the consideration of which a discussion arose on a proposition to amend the bill so as not to require the opinion of the register and receiver on the validity of the titles, but to authorize and require them to collect the testimony thereto; in which discussion Messrs. HARDIN, J. S. JOHNSTON, RANKIN, and COOK, took part. The amendment was finally withdrawn, and

Mr. HARDIN moved to insert in the 27th line, after the word "emanated," the following:

"And it shall be the duty of the said register and receiver to procure, receive, and record, all evidences of fraud, or all other evidences which can be obtained going to show that the claim set up is unfounded and ought not to be confirmed."

The amendment was adopted; also, on the bill to authorize the State of Illinois to open a canal, &c., (being of similar import with that acted upon, which came from the Senate,) the Committee reported the first to the House without, and the second with, an amendment, and on the third, to sit again.

In the House, the report of the Committee of the Whole on the bill from the Senate to authorize the State of Illinois to open a canal, &c., was concurred in, and ordered to be engrossed for a third reading; and, after a brief discussion, the report of the Committee of the Whole (with the amendment) on the bill relative to the examination of titles to land between the Hondo and Sabine rivers, the same was ordered to be laid on the table; and the House refused to grant leave to sit again to the Committee of the Whole on the bill (originating in the House of Representatives) to authorize the State of Illinois to open a canal, &c., the object of the bill being contained in that which had been concurred in from the Senate. And then the House adjourned.

MONDAY, March 25.

Mr. SMITH, of Maryland, presented a memorial of James H. McCulloch, collector of the customs for the port of Baltimore, complaining of the uncertainty in the laws providing compensation for the officers of the courts of the United States, and of the various constructions given thereto, and praying that the compensation of said officers may be more precisely and definitely fixed in relation to seizures under the revenue laws of the United States.—Referred to the Committee on the Judiciary.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Samuel Walker," reported the same without amendment; and the bill was committed to a Committee of the Whole.

Mr. WILLIAMS, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of Matthew McNair," reported the same without amendment; and the bill was committed to a Committee of the Whole.

Mr. MCLANE, from the Committee on Naval Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of James H. Clark," reported the same without amendment; and the bill was committed to a Committee of the Whole.

Mr. BLACKLEDGE, from the Committee on the Public Buildings, made a report, accompanied by a bill making appropriations for said buildings; which bill was read twice, and committed to the Committee of the whole House, to which is committed the bill making appropriations for the support of Government for the year 1822.

The House took up, and proceeded to consider, the report of the Committee of Claims on the petition of Nathan Ford; whereupon it was ordered that the said report be committed to a Committee of the whole House to-morrow.

The House took up, and proceeded to consider, the report of the Committee of Ways and Means on the petition of Jonathan S. Smith; whereupon it was ordered that the said report be committed to a Committee of the whole House to-morrow.

The bill from the Senate, entitled "An act authorizing the State of Illinois to open a canal through the public lands to connect the Illinois river and Lake Michigan," was read the third time, and passed.

The bill to authorize the State of Illinois to open a canal through the public lands, to connect the waters of Lake Michigan with the Illinois river; the bill for the relief of James May and the representatives of William Macomb; the bill for the relief of Gad Worthington; the bill for the relief of Solomon Porter, jr.; the bill to remit the duties on a sword imported to be presented to Com. T. Macdonough; and the bill for the relief of John Anderson, were respectively read a third time, passed, and sent to the Senate.

On motion of Mr. VAN WYCK, the Committee on the Public Buildings were instructed to inquire into the expediency of abolishing the office of Commissioner of the Public Buildings; and also the expediency of transferring the duties of that office to the Engineer Department.

The SPEAKER then stated the next business in order to be the resolution heretofore submitted by Mr. MERCER, with the modification proposed by Mr. TAYLOR, which had occupied the attention of the House on Saturday, and the further consideration of which had been suspended. The SPEAKER remarked that his first impression had been that, by the rule of the House, the resolution was no longer before them, and could be revived only by being proposed anew. But from further reflection, and having understood that the committee who reported the rule did not contemplate its being placed from before the House, he was inclined to consider it as unfinished business; and he was the more satisfied with this construction (although it was a new case) from the consideration that the rule was intended to further the convenience of the House, and it would be more convenient in its practical operation to regard it as the unfinished business of the morning, than as being laid upon the table.

A division of the question was called for by Mr. SAWYER, when the modification was adopted, and the original resolution negatived.

Mr. REID submitted the following resolution:

Resolved, That the Committee on the Public Buildings be instructed to inquire into the expediency of substituting a glass ceiling for the canvass now covering the Hall.

After a few remarks on the subject by Messrs. REID, MERCER, and WALWORTH, at the suggestion of Mr. WHIPPLE, and with the assent of the mover, the resolution was ordered to lie on the table.

FLYING MACHINE.

Among the petitions this day presented was the following by Mr. MILNOR:

"James Bennett, a mathematician of the city of Philadelphia, to the honorable the Senate and House of Representatives of the United States of America in Congress assembled, most respectfully showeth:

"That your petitioner having invented a machine by which a man can fly through the air—can soar to any height—steer in any direction—can start from any place, and alight without risk of injury; and whereas a like machine has never been invented in any country or age of the world, so as to be applied to purposes of practical utility, and as it is more than probable that artificial flying would not, for a thousand years to come, be brought to the same degree of perfection, had not your petitioner, under Providence, accomplished it; and, as it must be evident to all that *Letters Patent* would be of little use to the inventor in consequence of various modifications or improvements which might be made, and which never would have been thought of, had not the way first been opened by your petitioner: He therefore solicits a special act of the Congress of the United States, to secure to him and his heirs for the term of forty years, or for such other term as in their wisdom may be deemed just, the right of steering flying machines through that portion of earth's atmosphere which presses on the United States, or so far as their jurisdiction may extend.

"By granting your petitioner's request, the honor of the invention shall be conferred on the United States.

"J. BENNETT, A. and M.

"PHILADELPHIA, *Feb.* 13, 1822."

Mr. MILNOR moved to refer the petition to the Committee on the Judiciary.

Mr. SERGEANT opposed the motion. He said that that committee did not undertake to soar into regions so high. Their duties were nearer the earth. He moved to lay it on the table.—Negatived.

Mr. WALWORTH moved to refer it to the Committee on Roads and Canals.—Negatived.

The question then recurred upon referring it to the Committee on the Judiciary, which was resisted by Mr. SERGEANT, on the ground not only that it was above their reach, but also that they had so much business before them of a terrestrial character, that they could not devote their time to philosophical and ærial investigation.

The motion was lost; when Mr. LITTLE renewed the motion to lay it on the table.—Carried.

REVOLUTIONARY PENSION BILL.

The House then resolved itself into a Committee of the Whole, on the bill supplementary to the act to provide for persons engaged in the land and naval service of the United States in the Revolutionary war.

Mr. KEYES submitted the following amendment to the first section: "and in all cases he shall be 'considered unable to support himself if he is over 'the age of sixty-five years, and his property does 'not exceed one hundred dollars."

Mr. KEYES observed that this was a bill supplementary to two acts passed by Congress. The first was passed March 18, 1818, which was favorable to a certain proportion of the American Revolutionary Army. The other act of Congress, which was in addition to the act of 1818, was passed May 1, 1820, and in my opinion, said Mr. K., it had torn out a part of the bowels of the act of 1818; for it gave one man authority to drop from the pension roll as many men as he should please—and it had been his pleasure to drop from the pension roll, in pursuance of said act, more of the old soldiers than the British, and their allies, the Hessians and Indians, ever slew in any one battle during the Revolutionary war. And the striking off of the pension roll, is the cause of so many prayers and petitions being presented to this Congress from the old heroes—stating that they were wrongfully struck off the pension roll, and now begging Congress to restore them to said roll again; and I ask Congress, said Mr. K., what will you do with these old worthies? Time is short—I mean it is short with the remnant of that Revolutionary Army. Mr. Chairman, let us make a calculation. Many of that Army, in the year 1775, were rising of sixty years of age forty-seven years ago. That would make this class of soldiers one hundred and seven years old. Where

are they, Mr. Chairman? They are all in their graves. No pensions are needed for this class of soldiers. But, sir, generally speaking, that Army were from the age of forty-five to eighteen years of age. Take forty-five and add forty-seven years, since the commencement of that war, and it would make that class ninety-two years old at the present time. I ask where are they? They likewise are all in their graves, or nearly all. You will not have any pensions to give them, or, if any, but few. We will now speak of the youngest class, or nearly so—eighteen at the commencement of the war, forty-seven since, will make that class sixty-five. This class is in the evening of their days, and will you not afford them a little relief? Mr. Chairman, I was one of those American Revolutionary *rebels*, as the British were pleased to call us, when we fought under the authority of the thirteen colonies, and I well remember the cold and hunger, the fatigue and slaughter which that Army had to meet with. Yes, Mr. Chairman, that Revolutionary Army, under the confederated States, underwent every thing but death, in defending their country from the oppression and tyranny of their mother country, and thousands and thousands of them were slain in that bloody and awful conflict. These old heroes were undoubtedly the bravest men that the world ever produced, ever since David fought Goliah, the Lion, and the Bear. And how, Mr. Chairman, were these worthy soldiers paid for the great services they had rendered their country? I answer, they were paid in rags, made into Continental bills, which bills represented gold and silver. But these bills were never redeemed, therefore the soldiers were never paid according to contract. But these old heroes, after they had spent the glory of their days in defending the liberties of their country, sat down easy and contented. No murmuring—no complaint was heard from them. No prayers—no petitions were presented by them to Congress to give them pensions; and so the old heroes would have remained in their poverty until death, had not the Congress in March, 1818, of their own free will and accord, unsolicited by the indigent soldier, passed a generous law, inviting the soldier and sailor who were poor and needy, to come and take a pension for life. Congress pointed out the road for them to come; and what, said Mr. K., were the requirements of Congress in that bill? I answer, the applicant was to make a declaration under oath, before a United States judge, or one of the judges of the State, Territory, or county, where the applicant resided, stating his reduced circumstances, and need of his country's help—the time he engaged in the United States service—the company, regiment, and the line of the Army he served in, the time and manner of his discharge from the Army, and what other proof was in his power to make; and when he had thus sworn under oath before the said judge, and made what other proof he could—if the judge was of the opinion he had served against the common enemy, according to the requirements of the act, and was in such reduced circumstances as to need the assistance of his country, the judge was to transmit the testimony in the case, and the proceedings had thereon, to the Secretary of the Department of War, and if he was satisfied that the soldier or sailor comes under the provisions of said act, it was his duty to put him on the pension roll. And was this all, Mr. Chairman? No—there was a clause in the act which provided that, if any applicant gave false testimony in his declaration, he should be liable to indictment for wilful and corrupt perjury. And now I ask every lawyer in this Congress the question, whether there was any other legal way to have dropped any soldier from the pension roll, except to first convict him of wilful and corrupt perjury? And I am fully persuaded that every lawyer of good understanding will join me in the opinion that there was not any other legal way to drop any off of the pension roll.

Sir, I will also ask every farmer, merchant, or mechanic, in this Congress, if there was any other equitable way of dropping off these heroes from the said roll? And I think I may say they will agree with me. No, Mr. Chairman, the act of 18th March, 1818, brought rising of eighteen thousand of the remnant of that Revolutionary Army upon the pension roll; and who was to blame? The old worthy heroes were invited to come—and after they had taken a little refreshment of their country's bounty, they state they were wrongfully dropped off the pension roll, whilst others, under as good circumstances, were retained—and I submit it to Congress whether it is not cruel to feed a few of these old heroes, and starve the rest, or leave it for their poor children to support them, or for the towns where they reside, to be at this expense. I would rather repeal the act which invited the old soldiers to come and take a pension, and let them all starve together, than to feed a part, and let the other part stand and look on, and suffer. But, Mr. Chairman, you have put your Secretary of War into an awkward situation, and extremely difficult it must be for him to do justice in this pension business, to the poor old worthy heroes; his living at such great distance from them, and not knowing their individual wants and inability to provide for themselves, and his having to apply to the Attorney General for his opinion was never intended, I presume, by the act. I therefore, for the benefit of the Secretary of War, and for the sake of giving relief to the poorest class of old soldiers, have thought best to propose an amendment to this bill, that is to say, in all cases where the old soldier is over the age of sixty-five years, and his property does not exceed one hundred dollars, he shall be considered unable to support himself.

Mr. Chairman, I am opposed to long speeches, and great waste of time, and will leave much for others to speak—and will only say, if there are any of those old Revolutionary soldiers in Congress who know by experience the fatigues, dangers, and hardships, which the Revolutionary Army had to endure fighting for independence, I hope they will speak, and let the young men of Congress know by word of mouth, the suffering of the old heroes of the aforesaid war; for the

young men who have been born since the beginning of the Revolution, know but little or nothing about it, only by reading the history; and reading will give but little information, compared with enduring the hardships of war.

Mr. MONTGOMERY made some observations in favor of the general provisions of the bill, and announced his intention to submit the following proviso:

Provided, However, that no person shall be restored to the pension list, whose estate, clear of all encumbrance, shall be of the value of three hundred dollars or more: *And provided further*, That the evidence already submitted shall be deemed competent, and to authorize such restoration.

Mr. KEYES withdrew his amendment to give way for the proviso of the gentleman from Kentucky (Mr. MONTGOMERY) which was thereby in order.

Mr. COCKE had hoped this bill would be suffered to pass, without any amendments or modifications to obstruct it. The Secretary of War, he observed, was left to judge of the merits of the respective applicants, according to their circumstances, and he thought this was a far preferable provision to that proposed in the amendment.

Mr. FARRELLY remarked that it was impossible to do adequate justice by any general and uniform rule, and, therefore, it was much better to confide the matter to the discretion of the Secretary, who can adapt the extent of the relief to the necessity that requires it.

Mr. MONTGOMERY replied, and suggested to try the principle of the proviso, by erasing the words "three hundred dollars," so as to read it in blank.

Mr. WOODCOCK opposed the amendment, and, among other remarks, observed that he had rather leave the discretion proposed to the officers of the Government, than to hold out inducements to the old soldiers to reduce their property to a sum so small as to obtain the relief comtemplated by the act, and he thought the bill was sufficiently guarded to attain the benefits which it was intended to confer.

Mr. KEYES made some further observations in support of the proviso.

Mr. REED, of Massachusetts, opposed it, and expressed his apprehension that, if the gentlemen from Vermont and Kentucky (Messrs. KEYES and MONTGOMERY) persisted in the amendment, they would defeat the bill, and he proceeded at some length in support of the bill as originally reported.

After further remarks by Messrs. MONTGOMERY, COCKE, and FARRELLY, the blank was proposed, by the mover of the proviso, to be filled with the sum of two hundred and fifty dollars; and the question being taken on the proviso as amended, the same was negatived.

Mr. ALEXANDER, of Virginia, said, in order to try the sense of the House as to the principle of the bill, he would move to strike out the first section, which was extremely obnoxious to him. He was not so much opposed to the second, which resulted from the necessity of the case; but rather than gain that at the expense of the other, he would be willing to give up the whole. He must confess his surprise to find his friend from Tennessee (Mr. COCKE) among the advocates of this bill, who had at all times evinced such a disposition to economize every department, and to bring the expenditure within the means of the Government. It was not so surprising to find a support elsewhere, when he recollected, at a former period, that every effort was made to destroy the provisions of the last act upon the subject, which, however reluctantly, gentlemen are obliged to admit have been extremely salutary. No one ever thought, under the original act, we should be compelled to appropriate three millions of dollars to carry it into effect. And no one can take upon himself to say—not even the gentleman from Tennessee—if the bill passes in its present shape, that we shall not be called upon to add five hundred thousand or a million to the present fund for this purpose. These contingencies, like some others, will be presented at a time when we are least prepared to meet the demand, and will have to be put down under the head of deficiencies. And I do deem it of some consequence to know what will be the probable estimate, if gentlemen are determined to entail this system upon the nation. The amount, however, out of the question, and I am opposed to the bill in principle.

Gentlemen may call it by what name they please, it is little else than the original act itself, liable to the same system of fraud, perjury, and corruption, which have heretofore been practised upon the Government. For, sir, what is the character of it? It provides that "in all cases where per-'sons are stricken from the pension roll, and they 'are afterwards from any cause so reduced in cir-'cumstances as to be incapable of supporting them-'selves, they may be permitted to come in and 'take advantage of the act passed in 1820." And, my word for it, there will be scarcely one who will not bring himself within the rule; for we know how easy a matter it is for an individual, if you prescribe to him the nature of the evidence required, to make out his case. It is in fact an invitation—nay, an encouragement—to those who, with a proper share of industry and exertion, are capable of supporting themselves and family, to get rid of the little property which they have as an encumbrance, by putting it to hazard in dissipation or any other way, provided it does not appear to be done with a fraudulent intent; and (as the ingenuity of man is always capable of the task) well knowing that, let the worst happen, they can here take the benefit of the insolvent act, by which they will be placed in a more solvent condition.

I do not say that it will be the case with all of them, but that it will with the greater part there is every reason to believe, notwithstanding your oaths, your schedules, and every thing besides; particularly when we have been told that an individual who once claimed the honor of a seat on this floor, and it is presumed stood well in the confidence of the people, felt no scruples upon this subject. And with such high examples before

their eyes, is it at all wonderful that they who move in a much humbler sphere should equally disregard the solemnity and obligation of an oath?

I do not mean to disparage the claim of the Revolutionary soldier, but, as my honorable colleague (Mr. Randolph) very properly remarked on a former occasion, it is disparaged by the very act itself. For you know, sir, it is one thing to face your enemy, and another to turn your back upon him; and no one will pretend to say, that these are equally deserving the affections of the American people.

Gentlemen tell us that the Revolutionary soldier is fast hastening to his home; and the one who spoke first in this debate (Mr. Keyes) undertook to prove—what is reduced to almost arithmetical certainty—that the first enlistment is fairly off the stage, and the last well turned of sixty, and a few more days will light their "way to dusty death." Yes, sir, *labitur et labetur* is applied to the progress of time, and I wish it may not with some propriety be applied to the Revolutionary course of the soldiers; for in truth, from the evidence before us, they put me very much in mind of the buckram gentry, who, instead of diminishing, multiply in a geometrical ratio. The system, sir, is wrong in itself; and the more it is attempted to be mended, the worse it is for the nation.

Mr. Whipple regretted that a bill of this sort should have occasioned debate, but he thought the gentleman last up had mistaken the object of the bill. Its only purpose was to restore the law to the situation in which it stood, prior to the decision of the Attorney General on the subject; and he extended his remarks in favor of retaining the first section.

Mr. Cocke explained at some length the views of the committee in reporting the bill, and, after further remarks by Messrs. Smith, of Maryland, Whipple, Reid, and Walworth, the question was taken on Mr. A.'s motion, and negatived.

Mr. Walker moved to amend the second section so as to extend the provisions of the section to justices of the peace, but the amendment was negatived.

Mr. Whipple moved to strike out all the part of the third section which follows the word "enacted," and to insert in lieu thereof the words:

"That pensions granted upon schedules made subsequent to the passing of this act, shall commence from the time such schedules shall be filed in court."

The amendment underwent some discussion, in which the mover and Mr. Smith, of Maryland, took part, when,

Mr. Cook proposed to amend the amendment of the gentleman from New Hampshire (Mr. Whipple) by adding thereto, as a proviso, the 3d section as originally reported in the bill. The question being taken thereon, the motion was lost.

Mr. Rich then submitted the following amendment:

"*Provided,* That any pension which shall be granted in conformity with the provisions of this act, and upon evidence heretofore exhibited, shall commence from the fourth day of March, eighteen hundred and twenty-two.

After a few remarks on this motion by the mover, the question was taken thereon and lost; when the original proposition of the gentleman from New Hampshire (Mr. Whipple) recurred, and a decision being had thereon, it was negatived.

Mr. Reed then proposed an amendment, the purport of which was to limit the beginning of the pensions to the passage of the act.

A discussion ensued thereon, in which the mover, Mr. Smith, of Maryland, and Mr. Tracy participated; but, before a decision,

Mr. Farrelly moved that the Committee rise and report, which was refused.

The subject was further discussed by Mr. Farrelly and Mr. Cocke; when the question was put, and carried in the affirmative.

Mr. Cocke moved to amend the first section by inserting, after the word "pensioners," in the 13th line, the words "shall have heretofore furnished, or hereafter shall furnish," &c.; when the question was taken, and the amendment was adopted.

Mr. Hendricks moved to amend the bill by adding thereto, as a second section, the following:

"*And be it further enacted,* That the Secretary of War shall be authorized to place on the pension list such applicants (being in all other respects embraced by the existing laws) as were rendered incapable of active service for the term, or part of the term of their enlistment, by reason of wounds or disabilities received while in the line of their duty."

The amendment was supported by the mover; when the question was taken thereon and negatived.

Mr. Cushman proposed the following as an additional section:

And be it further enacted, That every officer and soldier of the Revolutionary army, not embraced by the provisions of the pension act of 1818, who engaged or enlisted for three years or during the war, prior to the year 1780, and served out the time for which he engaged, or was honorably discharged, shall be entitled to receive, if an officer, —— dollars, and if a non-commissioned officer, musician, or private soldier, —— dollars, per month, during his natural life.

In support of this amendment—

Mr. Cushman said, the object of the amendment was to extend the bounty and justice of the nation to that portion of the Revolutionary army which he considered the most deserving. This portion, he said, engaged in the war without bounty, and served *virtually* without pay. It endured the greatest hardships, fought the battles for liberty, and achieved the independence of the country. He would not pretend to do it justice by any praise he could bestow. It might suffice to say, that no army ever deserved better of any country; none under circumstances so discouraging ever performed more glorious achievements; none ever better supported the character of a patriot army. But I repeat, said Mr. C., that I will not expatiate on the merits of the Revolutionary army. Its prowess, its fortitude, and its exploits, are recorded in history and applauded by the civilized world. These speak more forcibly in its behalf than the most finished eulogiums.

The amendment was opposed by Mr. COCKE and Mr. RHEA, and lost.

Mr. WALKER submitted, as a further section, the following:

"*And be it further enacted*, That when any applicant, whose name does not appear on the rolls of the State in which he enlisted, establishes by his own oath, accompanied with other corresponding circumstances, to the satisfaction of the Secretary of War, that he did serve faithfully nine months or more, during the Revolutionary war, he shall be placed on the pension list: *Provided, however*, That the judge or other officer before whom the evidence is taken shall certify, that, from the moral character of the applicant, no doubts exist of the truth of his declaration."

The amendment was supported by the mover, and lost.

Mr. CANNON then submitted, as a further section, the following:

"*And be it further enacted*, That all those who have performed nine months' service on one or more tour or tours of duty in the militia or volunteer service during the Revolutionary war, shall also be entitled to the benefit of this act, and also the acts to which this is a supplement, under the same rules, regulations, and restrictions, as are provided for those of the Continental service."

The amendment was supported by the mover, and opposed by Mr. WHIPPLE, when the question was taken thereon, and the motion was negatived; and thereupon, on motion of Mr. COCKE, the Committee rose and reported the bill as amended.

In the House, the amendments reported by the Committee of the Whole were respectively concurred in.

Mr. WILLIAMS, of North Carolina, moved to insert the words "the justices of the peace," to take the evidence of application, &c., in addition to judges.

Mr. COOK proposed to amend the amendment by striking out the words "of the peace" after the word "justice," and to insert in lieu thereof the words "of a court of record."

This modification was assented to by the mover, but was opposed by Mr. REED and Mr. WRIGHT, and supported by Mr. COOK and Mr. GILMER; and the question being taken thereon, the amendment, as modified, prevailed.

Mr. ALEXANDER moved to adjourn, which was lost.

Mr. McCOY moved to lay the bill on the table, which was also lost; when the bill was ordered to be engrossed for a third reading to-morrow.

TUESDAY, March 26.

Mr. RANKIN, from the Committee on the Public Lands, to whom was referred a bill which originated in this House, "to provide for paying to the State of Missouri three per cent. of the net proceeds arising from the sale of the public lands within the same," and which bill was returned from the Senate with an amendment, embracing also the States of Mississippi and Alabama, reported the same with an amendment to the amendment of the Senate, to the following effect:

"That no part of the three per cent., &c., shall be paid to the States of Alabama or Mississippi, until the sum of $1,250,000, stipulated to be paid by the United States to the State of Georgia, for the cession of the Mississippi Territory, &c., nor until the whole of the Mississippi stock shall have been redeemed."

This amendment was adopted, and the amendment of the Senate, thus amended, was concurred in.

Ordered, That the Committee on the Judiciary be discharged from the consideration of the bill from the Senate, entitled "An act to amend the act to incorporate the subscribers to the Bank of the United States," and that the said bill be referred to the select committee appointed on the memorial of the president and directors of the said bank.

The SPEAKER laid before the House two pamphlets which had been transmitted to him as Speaker, by Monsieur Franclieu, a citizen of France, containing a projet for the protection of the liberty of the press, which he desired to be laid before the House of Representatives. They were ordered to lie on the table.

Mr. BLACKLEDGE, from the Committee on the Public Buildings, made a report, recommending the appointment of a joint committee of the two Houses, to inquire and report upon the proper disposition of the paintings executed by Colonel Trumbull, under the authority of Congress; which resolution (being a joint one) was twice read and ordered to be engrossed for a third reading.

On motion of Mr. HILL, the House proceeded to the consideration of a resolution submitted by him some days since, relative to the distribution of certain books, and proposed a modification thereof, so as to inquire into the expediency of purchasing a suitable number of the sixth volume of the Laws of the United States, which had been recently published, for the use of the public Library and of the members of the present Congress.

Mr. RICH moved to amend the same by striking out the words "and the members of the present Congress." The motion was lost, and the question being put on the resolution, as modified, it was adopted—ayes 55, noes 46.

The SPEAKER laid before the House a report of the Secretary of the Treasury, stating the progress that has been made in the settlement of the arrears in the accounts of the Post Office Establishment, and, also, the difficulties which have interfered in the final liquidation thereof; which was read, and ordered to lie on the table.

The House took up and proceeded to consider the report of the Committee on the Public Lands, on the memorial of Stephen P. Chazotte, and others, composing the East Florida Coffee Land Association; whereupon, it was ordered that the said report be committed to the Committee of the whole House, to which is committed the bill granting to the State of Alabama, and to the Territory of Arkansas, the right of pre-emption to certain quarter sections of land.

Mr. EUSTIS, from the Committee on Military Affairs, made a report on the Georgia militia

claims of 1792–3–4, adverse to the allowance of the same; which, on motion of Mr. E., was ordered to lie on the table.

A message from the Senate informed the House that the Senate have disagreed to the amendment of this House to the title of the bill supplemental to an act, entitled "An act authorizing the disposal of certain lots of public ground in the city of New Orleans and *town of Mobile*," and they have passed a bill, entitled "An act to continue in force, 'An act declaring the consent of Congress to acts of the State of South Carolina, authorizing the city council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports; and to acts of the State of Georgia, authorizing the imposition and collection of a duty on the tonnage of vessels in the ports of Savannah, and St. Mary's," in which they ask the concurrence of this House.

The House then again resolved itself into a Committee of the Whole on the state of the Union, on the bill concerning the commerce and navigation of Florida, which was reported to the House without amendment, when the same was ordered to a third reading.

A Message was received from the PRESIDENT OF THE UNITED STATES on the subject of the military fortifications at Dauphin Island and Mobile Point, accompanied by sundry documents. The Message and documents were read, and referred to the Committee on Military Affairs, and the Message was ordered to be printed.

[For this Message, see Senate Debates, March 27, *ante* page 345.]

EXCHANGE OF STOCKS.

The House then agreed to consider the bill to authorize the Secretary of the Treasury to exchange certain stock bearing an interest of five per cent., for certain other stocks bearing six and seven per cent.

Mr. S. SMITH, proposed certain amendments to the bill, in order to meet the wishes of other gentlemen—the effect of which, if agreed to, will be to include in the stocks to be redeemed by five per cent. stock, the six per cent. stocks of 1814 and 1815, in addition to what is already embraced by the bill.

The amendments were ordered to be printed, and the further consideration of the bill postponed to Thursday next.

REVOLUTIONARY PENSION BILL.

An engrossed bill, entitled "An act supplementary to the acts providing for the relief of certain persons engaged in the land and naval service of the United States in the Revolutionary war," was read the third time.

And, on the question, Shall the said bill pass? it was determined in the affirmative—yeas 128, nays 23, as follows:

YEAS—Messrs. Allen of Massachusetts, Allen of Tennessee, Baldwin, Ball, Barber of Ohio, Baylies, Blackledge, Borland, Brown, Buchanan, Burrows, Butler, Cambreleng, Campbell of New York, Cassedy, Chambers, Cocke, Colden, Condict, Conner, Cook, Crafts, Cushman, Cuthbert, Dane, Darlington, Denison, Durfee, Dwight, Eddy, Edwards of Pennsylvania, Findlay, Fuller, Gebhard, Gist, Gorham, Gross, Harvey, Hawks, Hemphill, Hendricks, Herrick, Hill, Hobart, Holcombe, Jackson, J. T. Johnson, Kent, Keyes, Kirkland, Lathrop, Leftwich, Lincoln, Litchfield, Little, Long, Lowndes, McCarty, McLane, McNeill, McSherry, Mallary, Matlack, Matson, Mattocks, Mercer, Milnor, Mitchell of Pennsylvania, Montgomery, Moore of Pennsylvania, Morgan, Murray, Neale, Nelson of Virginia, New, Newton, Overstreet, Patterson of New York, Patterson of Pennsylvania, Phillips, Pierson, Pitcher, Plumer of New Hampshire, Poinsett, Rankin, Reed of Massachusetts, Reed of Maryland, Rhea, Rich, Rogers, Ross, Ruggles, Russ, Russell, Sergeant, Sloan, S. Smith, W. Smith, Spencer, Sterling of Connecticut, Sterling of New York, Stevenson, Stewart, Stoddard, Swan, Taylor, Tod, Tomlinson, Tracy, Trimble, Tucker of South Carolina, Tucker of Virginia, Upham, Vance, Van Rennselaer, Van Wyck, Walker, Walworth, Warfield, Whipple, White, Williamson, Wilson, Wood, Woodcock, Woodson, Worman, and Wright.

NAYS—Messrs. Alexander, Archer, Bayly, Burton, Campbell of Ohio, Cannon, Edwards of North Carolina, Garnett, Gilmer, Hooks, McCoy, McDuffie, Metcalfe, Moore of Virginia, Moore of Alabama, Reid of Georgia, Sanders, Sawyer, Arthur Smith, Tatnall, Thompson, Williams of North Carolina, and Williams of Virginia.

EXPENDITURES ON PUBLIC BUILDINGS.

Mr. NELSON, of Massachusetts, from the Committee on Expenditures on the Public Buildings, made the following report:

The Committee on the Expenditures on the Public Buildings, report: That it appears from the statement of the Commissioner of the Public Buildings, laid before the Committee, that his disbursements on account of the centre building of the Capitol, during the year 1821, were as follows, viz:

For materials - - - - - -	$32,209 50
For freight, wharfage, drayage, tools, smith's bill, fuel, stationery, &c. -	7,922 49
For compensation to architect, clerk, and three persons at the head of carvers', stonecutters', and carpenters' departments - - - - - - -	8,250 00
For labor, including pay of five persons employed as foremen and overseers -	53,932 30
Amount expended on centre building of Capitol, in 1821 - - - - -	$102,314 29
And there was expended upon the President's House, in the same year, the sum of - - - - - - -	5,405 32
For old Executive offices - - -	5,736 67
For ground round the Capitol - -	2,017 56
Amount expended on the public buildings and Capitol square, in 1821 -	$115,473 8

Appropriations.

March 3, 1821. For the work on centre building of Capitol, in addition to unexpended balances of appropriations to other buildings - - -	$80,000 00
January 1, 1821. The unexpended balance of former appropriations for the	

centre building, as appears by the Commissioner's letter, of the 25th of January, 1821, was	35,664 19
The unexpended balance of appropriations of the 11th of April, 1820, for wings of Capitol and Senate Chamber, transferred by act of 3d March, 1821, was	993 26
March 3, 1819. For covering the old Executive offices with slate	10,000 00
March 3, 1821. For covering the roof of the President's House with copper	7,845 00
March 3, 1821. For graduating and improving the ground around the Capitol	2,000 00
Amount applicable to public buildings and Capitol square, in 1821	$136,502 45

From the foregoing statement it will be perceived that, with the exception of a small excess in the disbursement on Capitol square, the expenditures have been kept within the appropriations; that, on the 1st January, 1822, there was an unexpended balance of appropriations for the centre building and wings of the Capitol, of $14,343 16, applicable to the work on the centre building; and that the amount of the sums expended upon the President's House, the old Executive offices, and the ground around the Capitol, in 1821, is less by $6,685 45 than the amount of appropriations for those objects, by the acts of the 3d of March, 1819, and the 3d of March, 1821. An appropriation of $700 by the act of the 3d of March, 1821, for improvements in the Senate Chamber, and in the Hall of the House of Representatives, and in the Library, is not embraced in the above statement. The committee are of opinion that the materials were purchased at moderate prices; that the labor was procured on reasonable terms; and that the work has been executed in a substantial and workmanlike manner.

The report was, on motion of Mr. NELSON, ordered to lie on the table.

PENSIONS TO WIDOWS, &c.

Mr. LONG submitted the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reviving and continuing in force the law that allows half-pay pensions to the widows and children of deceased soldiers of the late war.

Mr. LONG observed that, notwithstanding the justness of this proposition, he was aware that it would probably meet with opposition, inasmuch as it would be attended with some little expense, if acceded to. But he felt a degree of confidence that this House, on a little reflection, would not be disposed to reject it. By this resolution, it is proposed to revive and continue in force a law that was made, no doubt from the purest motives, for the benefit of surviving widows and orphan children of deceased soldiers, who died in the service during the late war, but now, within a very few days past having expired, before all that it was intended for have had the benefit of it. It may be said that they ought to have applied before the law expired, as there was sufficient time. But the situation of those unfortunate women and children is well known; they have not the advantage of the earliest information. Indeed, it was by mere accident that they ever knew any thing about the acts of Congress. Some, however, had been apprized of it through their friends or otherwise, and have applied and received the benefit of the law; others have now applied, but unfortunately too late, the law having expired. I hope it will not be the sense of the House to reject their claims, merely because they have not applied within a certain day. We may reasonably suppose that all would have applied as soon as convenient after they knew of the law. There was one case that had come within his knowledge, and to which it had become his duty to attend to, wherein all the necessary papers had been made out but one, which was the relinquishment to the right of land, and consequently the petitioners were denied that which was intended for them by the law. If Congress should now refuse to revive the law, the prospect that has been held out to those poor women and children by this law, will not only be blasted, but the expense they have been at in preparing their papers, will be lost; he therefore hoped the resolution would be adopted.

After receiving a modification, at the suggestion of Mr. SERGEANT, by assent of the mover, the object of which was to refer the subject to the Committee of Revisal and Unfinished Business—

Mr. MCCOY moved that the resolution be ordered to lie on the table; which motion was negatived, and the resolution was adopted.

GOVERNMENT OF FLORIDA.

The House then resolved itself into a Committee of the Whole on the state of the Union on a bill from the Senate to establish a Territorial government in Florida.

Mr. HILL proposed to insert in the 20th line of seventh section, after the word "court," the words "who shall reside in or near St. Augustine and Pensacola, respectively." The amendment was supported by the mover, and opposed by Messrs. SERGEANT and MOORE, of Alabama, when the question was put, and the amendment negatived.

Many amendments were proposed and considered; among which were two by Mr. SANDERS, of North Carolina, which gave rise to some debate, one of which was withdrawn by the mover, and the other was adopted. Among the gentlemen who proposed or spoke to amendments, were Messrs. ALLEN, of Massachusetts, BURTON, RHEA, and many others.

Mr. MONTGOMERY, after a few prefatory remarks, submitted, as a substitute for a section which it was proposed to strike out, the following:

And be it further enacted, That all the principles of the United States Constitution, for the security of civil and religious freedom, and for the security of property, and the sacredness of rights to things in action; and all the prohibitions to legislation, as well with respect to Congress as the Legislatures of the States, be, and the same are hereby declared to be, applicable to the said Territory, as paramount acts.

Before any decision thereon, Mr. COLDEN submitted an amendment to be inserted in the 11th

line, on which a question of order arose, in which Messrs. ARCHER, BARBOUR, MONTGOMERY, and HILL, took part, when the Chairman decided that the motion of Mr. COLDEN was in order.

Mr. SERGEANT suggested to the mover that the object of the motion was fully provided for in other parts of the bill, on ascertainment of which,

Mr. COLDEN withdrew the amendment.

The question then recurred upon the amendment proposed by Mr. MONTGOMERY, in which a debate ensued of considerable length, in which Messrs. TRIMBLE, MCDUFFIE, ARCHER, RHEA, and GILMER, took part.

Mr. RHEA said, he would vote against striking out the section under consideration. We have, said he, lately obtained the sovereignty of Florida. The people inhabiting that country have not long been comprehended within the territory of the United States. The ninth section of the bill contains three great principles, namely: one securing the right of conscience, one securing personal liberty, and another securing the right of property. The people of Florida (except citizens of the United States who may have removed there either temporarily or permanently) know little of our Constitution and laws; to these they are strangers. Many principles of the Constitution of the United States require laws of the United States to carry them into operation. It has been intimated that the Constitution of the United States covers the people of Florida, and that is sufficient. The treaty whereby Spain ceded Florida to the United States might as well be urged in this argument as the Constitution of the United States; for that treaty provides for the security of the people of Florida in the enjoyment of their religion, and personal liberty, and right of property. The Constitution of the United States provides that new States may be admitted into this Union; the treaty with Spain provides that the people of Florida shall, in due time, be admitted into this Union; but laws of the United States, providing for such admission, are necessary. Who has heard of a new State being admitted into this Union without laws of the United States providing for such admission? This "bill for the establishment of a Territorial government in Florida," provides that certain laws of the United States shall have full force and effect in Florida. The reasons urged for striking out the ninth section may, with equal propriety, be urged for striking out the eighth section of this bill, which provides that the said laws shall be in force and obtain in Florida, because the eighth section of the first article, and the third section of the fourth article of the Constitution of the United States give power to Congress to enact such laws. That the Constitution of the United States shall obtain and have full force and effect in a territory not included within the bounds and limits of the territories of the old thirteen States, or either of them, but which has been acquired by treaty from any foreign Power since the adoption of that Constitution, and that the inhabitants of such Territory shall be entitled to all the rights, privileges, and immunities, sanctioned and confirmed by the Constitution to citizens of the United States; it appears necessary and consistent with the Constitution of the United States, that the sovereign people shall, by the Congress of the United States, enact laws preparatory to, and declaratory of, the admission of such territory to a participation of the rights, &c. derived from the Constitution, and afterwards to be admitted a State of this Union on the same footing as one of the original States; the people of such new State will then have their full representation in both Houses of the Congress of the United States, and then the Constitution of the United States is in full operation in and over such new States as it is in one of the original States.

Religious liberty, the right to worship the Eternal, agreeably to the dictates of conscience, is the highest rights an human being can possess. The treaties made by the United States with foreign Powers, by which territory has been acquired, do guaranty religious liberty—the right to worship the Eternal, agreeably to the dictates of conscience, to the people of that acquired territory. The first article of amendment, to the Constitution of the United States, declares that Congress shall make no law respecting an establishment of religion, or prohibiting the exercise thereof—the Constitution of the United States guaranties to each State a republican form of Government; and the Constitution of each State respectively guaranties to the citizens thereof the freedom of religious opinions, professions, or worship—and the citizens are protected in their liberty and property. The 9th section of this bill provides that the inhabitants of Florida shall be protected in their liberty, property, and the exercise of their religion; thereby confirming, by the sovereign powers of the United States, the rights which the Florida Treaty reserved to them.

This ninth section, so far as it goes, may be considered as a constitution containing principles of a permanent nature; on which is bottomed, so far as this bill provides, the Constitutional compact of the people of the United States with the people of Florida; this section declares to the inhabitants of Florida that they shall be protected in their liberty, property, and the exercise of their religion—and it notifies them that no law shall ever be valid, which shall impair, or in any way restrain them in the freedom of their religious opinions, professions, or worship.

In all ages, men who sincerely worshipped the Almighty, in any manner or form, have deemed the rights of conscience and the freedom of religious opinions most sacred; of this right they have been most tenacious, and have suffered persecution of every kind rather than surrender or give it up to the arbitrary will of others. The inhabitants of Florida are presumed to be tenacious of their religious opinions, as well as of their liberty and rights of property. They may have been informed that the Florida Treaty provides that they shall possess these rights—they may understand that they are to be admitted as soon as possible into this Union, under the Constitution of the United States; let the ninth section of this bill be retained, and they will be expressly informed that the rights enume-

rated in this section are to them confirmed by the sovereign power of the United States.

The question was then taken upon striking out the 10th section, (of which Mr. MONTGOMERY'S amendment was proposed to be inserted as a substitute) and the motion was lost.

Mr. WALKER then moved to amend the bill so as to authorize the people of Florida to elect their Legislative Council. The question was taken and lost—ayes 15.

Mr. COLDEN called for the reading of a memorial of certain citizens of the city of New York, praying for the suppression of slavery in Florida, and which had been referred to this committee; and the memorial was read.

The Committee then rose and reported the bill as amended to the House, when the amendments were respectively concurred in.

Mr. HILL moved to amend the 7th line of the 5th section, by inserting after the word "law," the words "which is now in force or which shall hereafter be passed."

The amendment was opposed by Mr. McDUFFIE, and negatived.

Mr. MONTGOMERY again submitted the substitute he had offered in the Committee of the Whole, which was again negatived.

Mr. MOORE, of Alabama, moved to increase the wages of the Legislative Council per diem, by striking out the word three, so as to allow them an allowance of five dollars per day, which was lost, as was also a subsequent motion to make the compensation four dollars per day.

No further amendment having been offered, the bill was ordered to be engrossed for a third reading to-morrow.

WEDNESDAY, March 27.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of the General Assembly of the State of Alabama, on behalf of Colonel Samuel Dale; which was read, and the resolution therein submitted was concurred in by the House as follows:

Resolved, That the Committee of Claims be discharged from further considering the petition of Samuel Dale, and that so much of it as relates to a donation of land to the petitioner, be referred to the Committee on the Public Lands.

Mr. McLANE, from the Committee on Naval Affairs, reported a bill for instructing and disciplining the midshipmen in the Navy of the United States; which was read twice, and committed to a Committee of the Whole.

Mr. LITTLE presented a petition of sundry inhabitants of the District of Columbia, praying that the jurisdiction of justices of the peace in said District, in civil causes, may be extended to a sum not exceeding fifty dollars; which petition was committed to the Committee of the whole House, to which is committed the bill to extend the jurisdiction of the justices of the peace as aforesaid.

Ordered, That the petition of James Bennett, presented on the 25th instant, be referred to a select committee, and Mr. MILNOR, Mr. COLDEN, Mr. STEVENSON, Mr. FULLER, and Mr. POINSETT, were appointed said committee.

The House took up and proceeded to consider the report of the Committee on the Judiciary on the petition of the General Assembly of Alabama, for permission to tax certain lands; and the said report was again ordered to lie on the table.

Mr. WARFIELD, submitted the following resolution:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of appropriating a sufficient sum of money to turnpike the post road leading from the City of Washington to Fredericktown, in the State of Maryland.

And the question being taken thereon, the resolution was negatived.

Mr. REID called for the consideration of a resolution submitted by him yesterday, for placing a glass ceiling under the dome of the Represenatives Hall, but the House refused to consider the same, ayes 52, noes 64.

Mr. REID submitted the following resolution:

Resolved, That the canvass lately covering the Hall, be replaced, under the direction of the Speaker.

But the House refused to consider the same.

Mr. COOK called for the consideration of the bill for the relief of James McFarland. The House agreed to consider the same, and concurred in the amendment reported by the Committee of the Whole. On the question of engrossing the bill for a third reading, it was opposed by Messrs. COCKE, ALEXANDER, and McCOY, and supported by Messrs. COOK, STERLING of New York, and MOORE of Alabama; when, after a further amendment, at the suggestion of Mr. RANKIN, had been adopted, the said bill was ordered to be engrossed for a third reading.

A message was received from the Senate announcing the disagreement of that House to an amendment to the bill granting certain lots of lands in the city of New Orleans and town of Mobile, &c.; and, on motion of Mr. SERGEANT, the House receded from their amendment, and the bill was passed.

A bill from the Senate to continue in force an act declaring the assent of Congress to acts of the State of South Carolina, authorizing the City Council of Charleston to impose and collect a duty on the tonnage of vessels from foreign ports; and the acts of the State of Georgia, authorizing the imposition and collection of a duty on the tonnage of vessels in the ports of Savannah and St. Mary's, was read twice, and committed to a Committee of the Whole.

The joint resolution submitted yesterday, by Mr. BLACKLEDGE, from the Committee on the Public Buildings, relative to the proper disposition of the paintings of Colonel Trumbull, was called up, and, by unanimous consent, the following substitute was received in lieu thereof:

Resolved, That a committee be appointed, consisting of three members, jointly with such committee as may be appointed by the Senate, to examine and report to the respective Houses the most eligible dispo-

sition to be made of the national paintings executed by Colonel Trumbull, under the authority of Congress.

The resolution was ordered to be laid on the table.

Mr. SMITH, of Maryland, gave notice that he should, on Friday next, call up the bill making appropriations for the support of Government for the year 1822.

GOVERNMENT OF FLORIDA.

The bill from the Senate providing for the establishment of a Territorial government in Florida, with the amendments adopted in this House, was then read a third time.

Mr. ARCHER, of Virginia, rose and said, he had proposed to have taken the occasion of the passage of this bill to have presented to the House some views of the matters connected with Florida, and having avowed to several members this intention, he thought it proper to state why he forbore. He perceived that the members were exhausted by the sitting of the House; and, from other indications, he found that the sense of the House was clearly against the commencement of debate on the subject. In deference to this sentiment, he waived the right, which he had intended to have exercised, of declaring his sentiments; and he hoped the House would appreciate the motive by which he was actuated.

The question on the passage of the bill was then taken without debate, and carried without opposition. [The bill has to go back to the Senate for concurrence in the amendments.]

The bill concerning the commerce and navigation of Florida, was read a third time and passed.

FUGITIVE SLAVES.

The House then resolved itself into a Committee of the Whole on the bill to provide for delivering up persons held to labor or service in any of the States or Territories, who shall escape to any other State or Territory.

No amendment having been proposed to the first section of the bill, the second was read, when

Mr. COLDEN moved to strike from the different parts thereof where they occurred, the words "or justice," so as to limit the exercise of the power contained in that section, to judges of a court of record. He contended that the great powers contemplated, ought not to be given to justices of the peace, who were, in rank, the most inferior officers to whom the administration of justice is confided.

Mr. WRIGHT replied, and observed that he had no great objection to this specific proposition; nor did he wish to extend the powers contemplated by the bill to justices of the peace, but contended that the word *justice*, in the bill, was used in its primitive sense. Mr. W. extended his remarks to considerable length, not only in respect to the amendment, but on the general principles of the bill, which he contended were in conformity to the Constitution, which each member of the House was sworn to observe.

Mr. MOORE, of Virginia, observed that he felt a strong and peculiar interest in the passage of the bill. He thought he should be correct in saying that the district he represented sustained an annual loss of four or five thousand dollars by runaway slaves. The law of 1793 was inadequate to the object it proposed to effect; and he believed a bill of this sort was indispensably necessary, and urged a variety of reasons in favor of the principle of the bill.

Mr. COLDEN then withdrew the amendment he had proposed, and moved to strike out the enacting clause to test the principle of the bill. He observed that no man would go further than he would to give effect to the Constitution, which all agreed to denominate sacred. He was not one of those visionary philanthropists who would contend for immediate and universal emancipation. He was aware that such an attempt was impracticable, however greatly it was to be desired. As a primary consideration, it was first to be determined whether this bill contained any necessary and valuable provisions beyond those already existing, and under this view of the subject he examined with minuteness the present laws on the subject, and contrasted them with the provisions of the bill. He thought the latter were inconsistent with the principles of liberty, and had a direct and efficient agency to promote the traffic which had been carried on to a great extent of seizing free blacks and selling them for slaves. He contended that it was not competent to violate the principles of civil liberty merely because some districts had sustained injury, as had been expressed by the gentleman from Virginia, (Mr. MOORE.)

Mr. WRIGHT believed that the bill was sufficiently guarded for the protection of civil liberty—expressed his devotion to its cause, and to the principles of the Constitution, and his wish that the gentleman from New York (Mr. COLDEN) would unite in guarding the bill from encroachments upon that instrument, if he feared it was about to be impaired. Mr. W. referred to cases that had occurred in Maryland and elsewhere, which called imperiously for the passage of the bill.

After some further remarks by Mr. NELSON, of Virginia, against the motion, and by Mr. CHAMBERS in support of it, Mr. WOODCOCK moved that the Committee rise and report progress, which was agreed to, and leave was given to the Committee to sit again.

THURSDAY, March 28.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill for the relief of Benjamin Desobry, which was read twice, and committed to a Committee of the Whole.

Mr. SERGEANT, from the select committee to whom was referred the petition of Henry S. Tanner, reported a resolution authorizing the Clerk of the House to purchase ten copies of his Atlas for the use of Congress; and, on motion of Mr. SERGEANT, the resolution was ordered to lie on the table.

Ordered, That the Committee on the Judiciary be discharged from the consideration of the petition of sundry inhabitants of South Carolina, referred on the 22d ultimo, and that it lie on the table; also, from the consideration of the petition of C. W. Neale, and that it be referred to the Committee for the District of Columbia; also, from the consideration of the petition of James H. McCulloch, and that it be referred to the Committee of the Whole, to which is committed the bill to limit the compensation of marshals in certain cases.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, reported a bill for the relief of Samuel Ewings, which was read twice, and committed to the Committee of the whole House, to which is committed the bill from the Senate, entitled "An act concerning the lands and salt springs to be granted to the State of Missouri, for the purposes of education, and for other purposes."

Mr. HENDRICKS, from the Committee on Public Lands, to which was referred the bill from Senate, entitled "An act granting a tract of land to William Conner and wife, and to their children," reported the same without amendment, and the bill was committed to a Committee of the Whole.

Mr. STERLING, of New York, from the same committee, reported a bill directing the sale of certain tracts of land in the State of Ohio, heretofore reserved on account of salt springs; which was read twice, and committed to the Committee of the whole House, to which is committed the bill making provision for the survey and disposal of the public lands in the Territory of Florida.

On motion of Mr. BLAIR, the Committee of Claims were instructed to inquire into the expediency of allowing additional compensation to William Drakeford, assistant marshal of South Carolina, for taking the fourth census of Kershaw district.

The House took up and proceeded to consider the report of the Committee of Claims on the petition of Enos Terry; whereupon it was ordered, that the said report be committed to the Committee of the whole House, to which is committed the report of the Committee of Claims on the petition of John Thomas, of Ohio.

A message from the Senate informed the House that the Senate have passed a resolution for the appointment of a joint committee "to confer upon the subject of such disposal as may be suitable, for the national paintings executed by Colonel Trumbull," and have appointed a committee on their part.

The resolution was concurred in by the House; and Messrs. BLACKLEDGE, GORHAM, and VAN RENSSELAER, were appointed of the committee on the part of this House.

Mr. RANKIN called for the consideration of the bill which is lying on the table, providing for the examination of the titles to lands lying between the Rio Hondo and the Sabine river; which was agreed to.

Mr. J. S. JOHNSTON submitted an amendment to constitute a third section of the bill, the purport of which was to grant a right of pre-emption to the present settlers on said land. The amendment was earnestly advocated by Mr. JOHNSTON, and opposed by Messrs. RANKIN and COCKE.

Finally, on motion of Mr. STERLING, of New York, the bill was laid on the table.

An engrossed bill, entitled "An act for the relief of James McFarland," was read a third time and passed.

VACCINATION.

Mr. SERGEANT, from the Committee on the Judiciary, to whom was referred a resolution of this House, requiring that committee to inquire into the expediency of repealing or modifying the law of 1813, on the subject of vaccination, moved that the said committee be discharged from the further consideration thereof.

Mr. BURTON said, that it was a matter of much more importance than those not immediately interested believed it to be. Ten of our fellow-creatures, he said, had lost their lives—and by whom? By the act of a man who styled himself the agent of the United States, and a law of the United States had placed it in his power to do this irreparable injury. If this subject was not to be inquired into, what would be the impression on the public mind? Would not the boasted protection of life, liberty, and property, be considered a solemn farce, if the lives of our fellow-citizens were to be taken, and passed over with the same indifference as if there had been so many cattle slaughtered? My object, said Mr. B. is to repeal the law, or place the institution on a more respectable footing, and make the agent in some way responsible, that the same accident may not again occur. He further said, he believed he could prove, to the satisfaction of any impartial mind, that the present agency was not only a nuisance, but a nuisance of the most dangerous kind.

Mr. B. then moved that the subject should be referred to a select committee.

Messrs. BURTON, HALL, WHIPPLE, HOLCOMBE, and DARLINGTON, were appointed said select committee.

SOUTH AMERICAN GOVERNMENTS.

The House then resolved itself into a Committee of the Whole on the state of the Union, on the report of the Committee on Foreign Relations, recommending the recognition of the independence of the South American provinces, and proposing an appropriation to carry the same into effect.

The resolutions with which the report concludes are as follows:

Resolved, That the House of Representatives concur in the opinion expressed by the President, in his Message of the 8th of March, 1822, that the American provinces of Spain, which have declared their independence, and are in the enjoyment of it, ought to be recognised by the United States as independent nations.

Resolved, That the Committee of Ways and Means be instructed to report a bill appropriating a sum, not exceeding one hundred thousand dollars, to enable the President of the United States to give due effect to such recognition.

Mr. TRIMBLE said, that as he had, some weeks past, offered a resolution requesting the President to acknowledge the independence of all the South American Governments, and as the proposition before the Committee was in accordance with his feelings and his wishes, it might be expected here, as he was sure it would elsewhere, that he should say something on the occasion. When he offered the resolution referred to, it was his intention to discuss the subject freely and at large. He would have entered upon that discussion with much zeal he was sure, but, he feared, without much ability. Happily, the Message and documents had given a new face to the whole subject, and saved the people the unpleasant necessity of expressing an opinion against the course of policy which their fears had prepared them to expect. Had the President failed to recommend the recognition of those Governments, impartial history—if men may look dimly into futurity—would have torn from his temples the garland which a grateful country had placed there, as a reward for his public and revolutionary services. But he has not failed. Faithful to the principles which gave birth to our own revolution, and regardful of the voice and wishes of his country, he has recommended an acknowledgment of all the nations of America. It was a Message of good tidings to twenty millions of freemen. It fills up the measure of his fame, and now he may go down to the grave, with his patriot compeers, ripe in age, and full of honor and renown.

It was proper, Mr. T. said, that he should do justice to the Executive on this occasion, especially as it was well known that he differed widely from the Cabinet upon some other subjects. Frankness, he hoped, was still in fashion. He had no favors to repay, nor disappointments to resent. He asked no pension, place, or office, in the gift of the Government, nor ever would so long as he retained his seat upon that floor; and, so long as the privilege of speech was tolerated, he would use it where he ought, to disapprove with firmness, or applaud with candor and sincerity. He felt it his duty to make some reference to a distinguished person, (formerly the presiding officer of that House,) who had always stood foremost in the great cause of the Patriots; but there were reasons, well understood, which made it proper to be silent, and those reasons should prevail. But, if he had full liberty to speak, what could he say of his late colleague, that is not known and felt by every one? The efforts of that citizen in favor of the Americas, and his exertions to procure an acknowledgment of their independence, are well known to this country and to the whole civilized world. He has erected for himself a monument of imperishable fame—a monument as broad as the continent whose cause he advocated, as high as the towering Andes that rise above its clouds. Two hemispheres have witnessed his exertions, and both will hold his services in grateful recollection.

Mr. T. congratulated the President and the country, and the friends of freedom every where, upon the great political event just struggling into birth. The friends of America, he said, are not called upon now, as formerly, to show that its Governments are independent. The President affirms the fact, and none will question his veracity. The letters of Mr. Torres prove all that is material to know, and the Message admits his statements to be true. They are known to be so by all Europe and America. Those letters, said Mr. T., do honor to the heart and head that wrote them. They equal in merit the finest State papers of the age. Colombia may claim the writer and the facts as her's but the papers are the property of nations. Free governments will preserve them as invaluable treasures. Such a man is an ornament to his country, as his country is an ornament to others. Every thing, he said, from that Republic fills us with admiration. The valor of its armies—the patriotism of the people—their devotion to the cause of independence, entitle them to our profound regard. But, above all, their constitution, similar in all its important features to our own, is most flattering to our pride, and most consoling to our hopes. We have the best authority for believing that Buenos Ayres, Chili, and Peru, are advancing in the science of self-government; and, although we know but little of the internal affairs of Mexico, yet what we do know gives assurances that it also has a Bolivar. Much, it would seem, is in the power of Iturbide. Let us hope that he will not sacrifice his country on the altar of ambition, and that Mexico, like Colombia, will have its Washington.

He did not intend, he said, to trouble the Committee with a history of the rise and progress of the Revolution; nor to array before them the great events which had conducted the Spanish colonies to independence. He would omit a summary of sieges; "of battles lost and won;" of invading armies, and the means and measures taken to conquer or expel them; nor would he digress into statistical estimates or geographical details, especially as all these were better known to a member near him, (Mr. POINSETT,) who, he hoped, would assist the Committee with his information; and also to the gentleman from Virginia, (Mr. NELSON,) both of whom, he was sure, would be listened to with much pleasure by the House.

One fact, said Mr. T., is clear: *All the Spanish nations of America are free.* They have all thrown off the yoke of Spain, "holding her as they do the rest of mankind, enemies in war, in peace friends." Each has declared itself independent, and all enjoy the rights of self-government, under the guaranty of written constitutions, adopted or preparing for adoption. Hitherto we have maintained a strict neutrality between the two Spains. We shall do the same in future, but there is a period beyond which nations cannot safely refuse to acknowledge the independence of each other. No statesman has asserted, or will assert, unless he intends to invite the execrations of his country, that we ought always to refuse a recognition. All agree that we must, at some time or other, act upon the subject. The President informs us that the time has come, and there ought to be but one opinion about the manner of making the acknowl-

edgment. The respect which free Governments owe to themselves, and to each other, ought to decide the question. It was the known usage, he said, among crowned heads, to send ambassadors of the highest rank to each other, and ministers of the lowest grades to republics, and for that very reason, republics ought to send ambassadors of the highest rank to each other, and ministers of the lowest grade to crowned heads. This ought to be decisive, in extraordinary cases like the present. He would not advance an opinion as to the number of ministers that ought to be sent out, but he felt himself bound to say, in justice to the country, that ambassadors extraordinary ought to be sent to Colombia and Mexico; and if ever the best talent in the nation ought to be selected for a mission, this was surely the occasion. If a free people ought at any period to appear in all their weight of character and talent, arrayed in all the pride of plain republican simplicity, this was the time. He was much mistaken if the country would tolerate any selection, made from among citizens of second rate capacity.

He did not intend, he said, to go into an investigation of the great agricultural, manufacturing, and commercial interests of the American nations, but there was one or two suggestions on those subjects, peculiarly proper at this time, and under existing circumstances. It was well known that Europeans had been endeavoring for years past to persuade the people of Spanish America, that *their* agricultural and commercial interest, and *those* of the United States, are hostile to each other. Such assertions, if true, would have no weight upon the present question; and yet, if false, they ought to be refuted. Foreigners had no doubt put them forth for the purpose of creating jealousies among the nations of America, hoping themselves to profit by the discord and confusion. Fortunately they were contradicted by all experience, and by the whole theory of free trade. No instance could be named, in which an agricultural people had, by its competition, brought ruin on another. Nations, said he, have been ruined by desolating wars, by repeated invasions, by rapine, plunder, monopoly, oppressive taxes, and wasteful prodigality; but there was no case in which industry had ruined industry. God, in his providence, had placed the economy of nations on a better basis, and blessed the industry of man with brighter hopes and better prospects. Nothing in his view was more easy than to show, that the leading interests of all the nations of America are in perfect harmony, and that their prosperity and happiness would be greatly increased by establishing friendly relations and active intercourse. If he had been called upon to name the events which would give the most powerful and permanent support to all the great interests of our hemisphere, he would have said—

The independence of all the Americas;

The independence of the West India islands;

And commercial intercourse with all, upon the basis of exact equality.

Mr. T. said the nations of America had suffered more from the severity of commercial interdictions and colonial monopoly than they had from the cruelty of arbitrary power—that commercial vassalage had been more oppressive to them than political dependence; and that they are as deeply interested in the establishment of free trade as they are of free government—that the radical change made in their political condition would necessarily be attended with a corresponding change in their commercial intercourse and maritime relations—that their case, in all its aspects, was similar to that of the United States, and would terminate in similar results—that the entire emancipation of the new from the old continent could only be effected by two great revolutions: the one political, the other commercial—that both had commenced in the United States under the most favorable auspices, and were progressing southward in the "full tide of successful experiment"—that these revolutions had been preceded by a "wide spread range" of moral reformation—that the new hemisphere had produced a new catalogue of civil maxims—a new family of political institutions—a new code of commercial regulations—that all civilized nations were under the dominion of two great social systems, differing widely from each other—that one was established in the *Occidental*, the other in the *Oriental* world—that the spirit of the age was against the European system—that the American system had invaded Europe, and spread alarm and consternation everywhere among its kings and emperors—that a coalition of crowned heads was created to oppose it, and two millions of armed men embodied to expel it from that continent. And what, said he, are these systems? What is the American system? Why is it that it agitates two worlds? Why should kings shudder at it while their subjects bid it welcome? Of what is it composed? What is the element that thus, when unresisted, operates unseen, but, when opposed, launches its thunderbolts at diadems, and shakes the nations like an earthquake? It has two aspects, two essential principles—one political, the other commercial. The first is known and distinguished by written constitutions, representative government, religious toleration, freedom of opinion, of speech, and of the press. The second, by sailors' rights, free trade, and freedom of the seas. Contrast it with the European system. The political character of that system is aristocracy, monarchy, imperial government, arbitrary power, passive obedience, and unconditional submission. Its commercial character is prohibition, restriction, interdiction, impressment, colonial monopoly, and maritime domination. These systems, said he, are the antipodes of each other. They are sworn enemies, and cannot harmonize.

The American system is free government and free trade; monarchy and monopoly is that of Europe: But the European system is artificial, and will perish with the spurious causes that produced it. The American system is natural, and, therefore, durable—natural, because it springs from public opinion—from the embodied will of nations acting freely for themselves; durable, because it reposes upon written constitutions. Its

first appearance struck the despots with dismay. Our Revolution gave it birth. Its nativity was cast among these States. It grows with their growth, and strengthens with their strength. The impulse of the age accelerates its motion. Nothing can impede its march, because it moves in the majesty of national opinion, and public opinion is a power that cannot be resisted. From every zone we hear of Congresses, elected by the people, assembled and assembling to establish written constitutions. The system spreads like light—its rays fall every where. The nations hail it as the harbinger of peace and happiness. They act wisely in laboring to adopt it, seeing that the people of this Union have prospered under it beyond all former parallel. He said that the tendency of the American system was manifest to every statesman. That its political progress and extension could be seen by every observer, and time would develope its maritime results. A single instance would explain its commercial operation. The Continent is free: not so, the Islands. Europe, as to them, will continue its system of colonial monopoly—its system of interdictions, prohibitions, and restrictions. These will act and re-act upon all the Americas, but more especially upon Colombia, Mexico, and the United States. Those Powers will retaliate, and unite in their retaliation. The common injury will find a common remedy. They will adopt the counter-check of navigation laws, and, by simultaneously protecting regulations, exclude all foreign tonnage from their ports and harbors. A blow like that, he said, would be decisive. It would forever prostrate the colonial system and open a free trade to all the Islands. The measure, when adopted, would finish the commercial revolution. It would subvert the whole system of maritime domination, and restore the freedom of the seas. And thus the Americas, by the re-action of internal laws and regulations, well concerted and well directed, may enforce their system of free trade. Thus, without the waste of blood or treasure, they may sustain the general system, and vindicate the rights and honor of the continent. Hitherto, he said, the American system of free trade had been struggling, single-handed, with the European system of colonial monopoly, and had maintained itself against the fearful odds. Hereafter, all the Americas will co-operate. The subject ought to have their prompt attention. It required a careful examination, because the course of policy to be adopted by them would settle, finally and forever, whether the American system shall prevail, or that of Europe triumph over it.

Mr. T. was anxious to show, for various reasons, that the great interests of the West India Islands were in unison with the interests of the Continent, and for that purpose went at some length into an explanation of their present condition, and their future prospects. It was his opinion that they would soon throw off the yoke of Europe, and declare their independence. Perhaps they would form a league, and Cuba, in that event, would be the head. Perhaps they would claim a guarantee, and become dependencies of the American nations. In any event, he said, they would adopt the American system, because their interests are all American, and their moral feelings and social habits are acclimating themselves, and every day becoming anti-European.

It was his impression that the nations of America would derive as many advantages from treaties, placing their commerce on a footing of equality, as they would from a recognition of their independence. In that respect the United States could do them double favors. In doing which, she would herself receive an equivalent of benefits. Geography, he said, had been considered as the mistress of political and comercial policy. All experience had proven that near neighbors would be warm friends, or open, active enemies. This was true of men and nations; and, if true, would furnish solid reasons to justify the prompt establishment of friendly intercourse. It was his decided opinion that treaties of amity, commerce, and navigation, should be made with all the Americas as soon as possible, but especially with Colombia and Mexico. The existing interests of the Continent, as well as its future peace and harmony, require it. That our ambassadors, when sent, ought to be instructed to negotiate such treaties. That those treaties ought to be discussed and formed upon the basis of exact equality—of perfect reciprocity. That nothing should be asked on any side, or granted, that would become onerous to the others. Let all, he said, start fairly in the race of emulation, and each would lend a helping hand in times of need. Nations rarely change their course, and, therefore, should be careful at the outset. He hoped that the great elementary principles of political and moral justice would be consulted by the Americas, at the commencement of their diplomatic intercourse. The nations of America, he said, by acting as they ought to do, would have the honor of establishing three new systems—a system of free government, a system of free trade, and a system of honest, fair diplomacy. That, in justice to themselves, they ought to disabuse the reputation of Republics, by an abjuration of all diplomatic chicanery and treacherous overreachings. That each nation ought to do every thing within its power for the preservation and prosperity of all, and that none should strive to strengthen or enrich themselves at the expense of each other. That each ought to be left in the free enjoyment of all its natural advantages, and none be made the victims of clandestine treachery or odious extortion. That all advantages gained by false pretences or dexterous circumvention, would terminate in jealousy, and discord, and disruption. That it is the sacred duty of nations to preserve equality in treaties, and that the Americas are called upon, in an especial manner, to give the world examples of disinterested justice and magnanimous forbearance. That their prosperity and happiness would be best promoted by adopting a liberal policy, in which the various interests of all shall be equally consulted. That it was the peculiar good fortune of the nations of America to have the power of affording equal protection to the rights and interests of each other, without any violations of neutrality. That if, in

making the experiment of social intercourse, any discrepancy of interest should be found, (a thing not probable,) each nation ought to yield something for the purpose of insuring general harmony and concord. That the United States ought to set the first example, by making the first and greatest sacrifice. That disinterested liberality on her part would find its equivalent in the generous confidence of her sister Republics.

He had great satisfaction in uttering these sentiments, because he knew that they were in unison with those of the most influential and enlightened statesmen of Colombia; and he believed, of all the nations of America. They ought, in his opinion, to have full weight in the proposed negotiations, because they were the strongest guarantees of perpetual friendship; the best equivalents for treaties; the surest pledges for the faith of nations; pledges, which the European system of diplomacy had never given, and could not give; equivalents, beyond the power or control of monopoly or domination.

If, said he, we consider this subject in reference to ourselves, and our relations, foreign and domestic, we shall find no solid reasons for delay. If we consult the great political and commercial interests of the Americans, we shall find inducements to hasten the acknowledgment. It is agreed, he said, that those nations are able to maintain their independence. That their means of defence are superior to any armament with which the mother country can assail them. That they exercise all the various powers of self-government, legislative, executive, and judicial; the powers of peace and war; of protection and defence. That they make and administer domestic laws, and regulate all intercourse with foreign nations, and enforce these regulations. In this situation we must either recognise them as free and independent, or put them in abeyance, by a denial of their rights, and thereby incur all the injuries which might justly be inflicted on our commerce with them. No nation has a right to ask another to do itself a voluntary injury—the laws of neutrality do not involve such dangerous and onerous consequences—Governments, like men, owe duties to each other, and a failure to perform them is often punished by national compunction, and forfeiture of reputation. The first duty of one people to another is, to declare who shall be respected as members of the great family of nations—the power, and the right to do so, exists in every government, no matter what may be its form. There is no other mode, save that of military force, by which the peace and harmony of nations can be kept in preservation. And shall the people of this continent forego the advantages of free and friendly intercourse, to indulge the mother country in her love of dominion? Shall we, as a nation, stifle all our sympathies in favor of free governments, to gratify the vain glorious pride of Spain? If we do, we shall betray the rights and interests of republics. Heaven, in giving freedom to us first, made it our primal eldest duty to go forth first, and acknowledge it in others. Honor and duty call alike upon us to perform the rightful obligation. The same Providence that gave us succor in the perils of our Revolutionary struggle, is conducting the other nations of America, through bloody wars, to peace and independence. Our approbation may inspire them with fresh confidence, and stimulate their love of liberty. If there are any who have fears that the proposed acknowledgment will produce a war with Spain, let them remember that Cuba is a hostage for her peace. The moment she fires a gun at us, we shall occupy that island, and her dominion over it will cease forever. And England, in aiding Spain, would only hasten the downfall of her favorite colonial system—a coalition between Colombia, Mexico, and the United States, would convince her of her folly. It would be better for us if our statesmen would look less eastward, and more southward than they do at present.

Some statesmen hold, he said, that nations, whose political principles and opinions have been formed in the school of despotism, must undergo long periods of probationary preparation, before they can be qualified to manage the affairs of self-government. This is but a modification of the exploded maxim, "that the people know not how to govern,"—that kings must save them from their worst enemies, themselves. Such opinions, if true, form no argument against the policy or justice of acknowledging the nations of America. If true, in former ages, and on the old continent, they are more than doubtful in modern times, and in the new hemisphere. The fact is, that the present and past ages are alike in nothing. The whole civilized world is under the dominion of a different mind. Men and nations are shaking off their mental imbecilities, and preparing themselves to regulate their own affairs. It was necessary that moral regeneration should precede political reform; and thus it has happened. A great moral revolution has occurred, and is occurring. The spirit of the age is busy—reformation is every where at work, and upon all subjects. We see the beginning, not the end of revolutions. No statesman, no nation, should mistake the character and fashion of the times. Every thing, in fifty years, has changed, and every thing is changing. "Nothing of the future will resemble what is past." We live in the crisis of all ages. The whole civilized world is laboring in a crisis—a great moral crisis—a great political crisis—a great commercial crisis. Nations have changed their moral characters, and political opinions, and Governments must change their form and purpose. Formerly, the sword was umpire of the world; and then the maxim grew, that nations were incapable of self-command. Now, public opinion is the great chancellor of nations. All tongues and kindreds own its jurisdiction, and kings and subjects are submissive to its rule; none dare oppose its high authority—none with impunity resist its just decrees. Wars were fought formerly, for families, and dynasties; for the rights of thrones, and prerogatives of crowns; and then, the people were assuredly their own worst enemies. Now, men fight for written constitutions; for the rights of man and prerogatives of nations; and fighting, learn to govern for them-

selves. The contest now is not between dynasties and diadems, but between creeds, and principles, and institutions. Nations formerly had no volition; kings thought and acted for them, rudely pretending, that their subjects had no capacity for affairs of State. But now, the will of nations has supremacy of rank, and speaks by delegation in assembled Congresses; and now, we find more talent—more patriotic feeling—more public virtue—more every thing, that strengthens and improves the social system. Time was, when kings held power by arrogation, and used it at their pleasure and discretion; and then the people were denounced as "a many-headed monster." The people now reclaim all power as inherent in themselves, and delegate it only as a trust; and now nations are more peaceful, more prosperous, more happy, and more just, than formerly. History speaks only of alliances, or wars, between contemporary despots—now, nothing is talked of but Congresses, and Constitutions, and Representative Governments; and do we find things changing for the worse? The spirit of the age is, peace and moderation. It is the spirit of free government and written constitutions. Its conservative principles are—wide-spread knowledge, equality of rights, freedom of opinion, and frequent and free elections. The spirit of past ages, was war and domination. The trade of man, of all the sons of men, was war—from the first conqueror down to '76. It was the storm of empires. It raged unspent and unabated. It swept along the field of time, and all was desolation that was left. It had no limits but the margin of the world. Its stream of blood flowed on from age to age; its sources, like the Nile, unknown, lost in the desert of forgotten years; but still, the stream rolled on, increasing with a thousand tributary torrents, and spreading far and wide its overwhelming floods. Such was the history, he said, of past times, and of the olden world. Our continent, on the contrary, is the chosen land of liberty—vineyard of the God of peace; and we, its husbandmen, selected by the unseen will of Providence to till the soil, and feed the famished nations with the food of independence. Let us perform the sacred trust impartially. It is our duty, as a free people, not to sanction, but refute the heresies, that nations are incapable of managing their own concerns. They have disabused themselves by illustrious examples, and we should be careful not to weaken their effect.

It was the will of Providence, he said, that this continent should be the arena of successive revolutions—of moral, and political, and commercial revolutions—the theatre of man's political regeneration—the hemisphere in which nations should be reinstated in their rights, and reinvested of their "long lost liberty." On the 4th of July, 1776, the Congress of the thirteen States declared their independence. On this day, (28th March, 1822,) the assembled Congress of the Union will announce the independence of all the nations of America. These are glorious epochs. Let history commemorate them as co-essential in the works of reformation. Freemen are this day called upon to fraternize with freemen; nations to fraternize with nations. All the Americas are summoned to embrace as friends and equals, and make a lasting covenant of peace. It is not the flight of a false prophet, or the foundation of a city; the birth-day of a petty chieftain, or an heir apparent, that we are assembled here to celebrate. No; a continent has disenchained itself, and stands unfettered and erect. It is the birth-day of a hemisphere redeemed. It is the jubilee of nations. Let the world rejoice.

If experience and long-suffering can create the faculties of self-government, then the people of America are prepared to manage and control their own affairs. For three long centuries they "clanked the chains" of lawless power; for three long lingering ages they felt the "keen lash" and galling yoke of despotism—each generation leaving its manacles to posterity as their only heritage. Continued agonies had worn away the memory of better times. The light of hope had left the Children of the Sun, and dark despair, like soporific drugs, had stupified the powers of will and faculties of life. They slept to mitigate their pain; for nations sleep and never die. But the day of their deliverance was at hand. The Spirit of God was abroad in the sky. It called, and the slumbering nations awoke. It breathed the electric fire of freedom on the air, and a whole Continent ran simultaneously to arms! One great, one god-like purpose, animated all—it was death or independence! Like us, they pledged their lives, their fortunes, and their sacred honor, to live as freemen, or die in its defence. They fought from field to field. A thousand battles left the cause in doubt; a thousand passions mingled in the fray; and all that history has told of savage cruelty, ferocious vengeance, rapine, plunder, treachery, cold-blooded massacre, and every violence and every crime that shocks humanity, was perpetrated over and over again upon all ages, sexes, and conditions. But the God of Battles fought on freedom's side, and, sickening at the scene of carnage and of desolation, and hastening to end it, he took *a Bolivar and consecrated him a Washington*, and putting in his hand a flaming sword, commanded him to go forth to the uttermost ends of the Continent, conquering and to conquer, until oppression should surcease, and man learn tyranny no more. And behold the work is finished, and Colombia is free, and all the Americas are free—free as ourselves; for there all power is acknowledged in the people, and vassalage abolished and unknown; for there all officers are elective, and held by the tenure of the law and the constitution; for there, free in their property, their persons, and religion—

> "They own no Lord but him in heaven,
> No power but what consent has given."

This, said he, is not more true of ourselves than it is of the people of Colombia; and to refuse an acknowledgment of them would be idle and preposterous. They have maintained their independence through a lingering war of eleven years—sinking, we all know, in its first stages, under a pressure of adverse fortune, that left the friends of freedom no comforter but hope, and rising afterwards with a tide of prosperity that left the ene-

mies of liberty nothing but despair. It was a war of freedom against foreign domination; and the people that waged it saw all the vicissitudes and encountered all the calamities incident to civil wars and revolutions. But the long agony is over, and the struggle has terminated in the most complete success. Their fortitude and patience in the long and doubtful conflict were equal to their suffering and privation, and victory was the reward of valor and firmness. In war their measure of renown is full, and history will commemorate the glory of their deeds in arms. In peace they manifest the civil virtues of free Governments—temperance, justice, economy, moderation. Their wisdom is conspicuous in the annals of their policy.

But experience is an able teacher; the chronicles of the times are filled with useful lessons, civil and political, and Colombia has graduated in a school of blood. Her institutions are regulated by the spirit of the age, and accord with the established system of the new hemisphere. She has adopted a constitution of which ours is the prototype; she has formed a federation, over which a second Washington presides, to wield its destinies. The consanguinity of this Union, and that Republic, is established beyond a doubt. Her face, her figure, and her conformation, show the line of her descent. The parility is manifest, the consimility complete and obvious. She is a rib taken from our side in a deep sleep, and given to us for a helpmate. When shall we awake from our slumber, and salute her as the fairest among the fair, as the loveliest among thousands? How long shall cold delays and bloodless caution interdict consent, and sever hearts that hasten to unite? Let us this day awake ourselves, and celebrate the rights of nations. Let us this day unfold our arms, and consummate the union of Republics. We interchange Ministers with European Powers as a thing of course. We speak, and are spoken to, by Kings and Emperors. What they say, we listen to as the music of many harps; what they give us, we roll under our tongues as sweet morsels; but this Republic, bone of our bone, and flesh of our flesh, is excluded from the communion table of acknowledged nations. We are deaf when she speaks to us, and dumb when she asks for an answer. If there is light in our countenance, why should we hide it? And wherefore do we turn away from her, as an offended person? The time has gone by, when we might have condoled with her, and softened her sufferings with the witchery of kindred sympathies. The time has come, when we are bound, by all that is just among men, and magnanimous among nations, to acknowledge her independence; he believed it, as he hoped for salvation in the blood of a Redeemer. That people, said he, have dissolved the political bands which united them to Spain; they have assumed among the Powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them; and a decent respect to the opinions of mankind requires that we should acknowledge their independence; a decent regard to the memory of our Revolutionary sires makes it an imperious duty. "We hold 'these truths to be self-evident, that all men are 'created equal; that they are endowed with cer-'tain inalienable rights; that among these are 'life, liberty, and the pursuit of happiness; that 'to secure these rights, Governments were institu-'ted among men, deriving their just powers from 'the consent of the governed; that whenever any 'form of Government becomes destructive of these 'ends, it is the right, it is the duty, of the people, 'to alter, or abolish it, and institute new forms." And who were the men that first proclaimed these godlike truths to an astonished, but admiring world? *Our fathers.* Who swore unto each other to establish them, or die in their defence? *Our fathers;* who pledged their lives, their fortunes, and their sacred honor, upon the desperate, but glorious hazard. And shall *we*, their immediate offspring, turn recreant in the cause, and treacherously deny ourselves and them, as Peter did the Saviour of mankind? Shall the last of the Revolutionary heroes leave the high station which he fills, without officiating, in his robes of office, at the baptism of this young Republic, and of all the new Republics in America? Shall the nation first free be the last to acknowledge it in others? No! Let us boldly fill up our page of destiny, and leave no blank for after-time to write an execration of our memory. Let us make the acknowledgment at once, and do it gallantly as men—as freemen—as gods, if it were possible, and laugh the fear of despots into scorn. Suppose a change of cases: suppose these people had yielded to the importunities of European Powers, and made Kings to reign over them, and constituted family successions: Would the crowned heads of Europe have invited us to co-operate in their recognitions? Would they, from courtesy, ask our consent or delay through fear of our resentment? No! Not one moment. They would hasten to kill the fatted calf, and dish up the gorgeous feast. They would fill their bowls brimfull, and quaff it merrily; their joy would have no end; they would

> "Sing, and dance, and shout, and sing,
> And make the heavenly arches ring,"

with their imperial acclamations. Ay, sir, and toast it too. Fill full your goblets. "Let the trumpets speak to the earth, the cannon to the heavens," the allies drink to *Bolivar the First.* And shall we ignominiously refuse to glorify the nativity of Republics? We can refuse—we may refuse. But mark—there is a power that will command us to our duty. A power that speaks and is obeyed; a power that is omnipotent in the affairs of nations; *the power of public opinion.* Let us beware of the reaction of that power; it is the great Jupiter of the age, and statesmen, obedient, tremble when it speaks. That power has spoken in the Patriot cause. In the cause of all the nations of America.

> "Hear its decree, and reverence what you hear;
> Who yields not recognition, nor wills to yield,
> Back from our sight, with shame he shall be driven;
> Gash'd with dishonest wounds, the scorn of Heaven."

The scorn of men and patriots, as well as Heaven.

When Mr. TRIMBLE had concluded—

Mr. POINSETT addressed the Chair as follows:

I shall offer, said Mr. P., no apology to the Committee for addressing them on this occasion. I have resided so long in the countries we are now called upon to place in the rank of nations—am so intimately acquainted with the causes and character of the revolution they have undergone, that I feel it to be my duty to convey to the Committee, as briefly as I can, the information I possess on this subject.

Sir, if ever there was an occasion that justified a revolution, that called upon a people to recur to first principles, and to seek relief from the abuse of power, by an appeal to arms, this was one. The revolution of the Spanish colonies did not arise from a mere question of abstract right, but from actual suffering and grievous oppression; from causes radical and certain, though gradual in their operations; causes that would have inevitably produced the revolution without the violent crisis to which the mother country was exposed, and which only accelerated that event. It was felt in their Government, in the administration of justice, in their agriculture, in their commerce, and in their pursuits of happiness. Governed by Viceroys responsible in name, but, in fact, as arbitrary as the King of Spain himself, who commanded, not only the military Governors and intendants of provinces, but presided over the tribunals of justice, and let any one imagine what government the miserable colonist must have enjoyed under European Spaniards vested with such powers, and who had nothing to dread but an examination of their conduct before a tribunal, two thousand leagues from the theatre of their injustice. The colonist could not even enjoy the natural advantages by which he was surrounded.

The eyes of a jealous and suspicious Government constantly watched the progress of his industry. No sooner did a settlement betray symptoms of prosperity, than it became the subject of oppressive legislation, and was overwhelmed by a swarm of officers, who, like locusts, destroyed the fair prospects of the harvest. The trade was not only confined to certain specified articles, but to a few favored towns. Rich as these favored regions are, and capable of bringing forth the productions of every climate, possessing great facilities of internal and of foreign commerce, they were reduced to indolence and penury by absurd and oppressive restrictions on their industry, on their trade, and on their private enjoyments. Without a market for their produce, it rotted on the ground. I have seen the most fertile districts of that fine country barren and desolate—I have seen the inhabitants, surrounded by all the bounties of nature, destitute of the ordinary comforts of civilized society. To those who have followed the progress of this revolution, and compared it with our own, the difference must appear striking, and from the civil dissensions that have agitated those countries, it has been argued by some that the Spanish Creoles were incapable of enjoying the blessings of liberty—were unfit for self-government. In making this comparison between the two countries, it ought never to be forgotten that our civil and political institutions, our habits, our customs, our laws, our rights of property, scarcely suffered any alteration by the transition from a colonial to an independent state. The principles of free government, republican principles, had deep root in this country before our Revolution; and if they have grown with our growth, and strengthened with our strength, they were as well understood then as now. The Spanish colonies had never been intrusted, as we had, with any part of the internal administration, and were ignorant and unpractised in government. The means of education, I mean of a liberal and enlightened education, were withheld from the Creole; printing presses were to be found only in a few of the larger cities, where, under a rigid inspection, a gazette and an almanac were permitted to be published. The policy of Spain repressed the advancement of knowledge in her colonies—ignorance and superstition were the powerful means employed to keep them in subjection. The despot is aware that those who possess knowledge will struggle for freedom, and will achieve it; for knowledge is power. Dread of religious toleration, and of what was worse, of spoliation, excited the clergy to oppose the revolution. The influence they exercised over the minds of the people was unbounded; and, had not a few virtuous, well-enlightened priests espoused the cause of liberty, the colonies would still have been dependent. The aristocracy formed another and a powerful obstacle to the progress of this revolution—a class that abhor every constitution founded on an equality of rights—a class that would rather be deprived of those rights than see all participate in them; that prefer any state of suffering rather than see power exercised by their inferiors. I speak now of the mass of the titled men in the colonies. Some few were distinguished for their zeal in the cause of independence.

Another and very essential difference between the two countries, consisted in the number of Europeans, who had distinct privileges from the Creoles, for oppression did not there fall equally on all. They were, to be sure, the smaller party, but the wealth and power they possessed, their union, their influence, the habitual respect in which they were held, their ideas of their own superiority, rendered them a very formidable body. They were aware that their proud pretensions had roused against them a feeling of indignation; that the oppressive measures they had promoted against the interests of the land, had produced hatred and an eager thirst for revenge; and common interest and common danger united them against the Creoles. They could not suppress the revolution, but they retarded its progress, and procrastinated the contest. If, therefore, we regard the little advancement of these countries, their ignorance of the principles of government, their civil dissensions, and the procrastinated struggle for liberty after all opposition had ceased on the part of Spain, it impresses us more strongly with the urgent necessity that existed of shaking off the colonial Government. It was the Government that placed obstructions in the way of agriculture and commerce. It was the Government, that,

forgetful of its primary obligations, suffered, nay, encouraged the daily violation of the rights and properties of its subjects. It was the Government, in short, that sought to keep the people in the profoundest ignorance, as the means of keeping them in subjection. A revolution proceeding from such causes, was not to be prevented by empty declarations of abstract rights, such as were made by the mother country when struggling for her own existence. The decrees of the different Governments established in Spain during that period, were magnificent in promise. The colonies were told they had the same rights as the mother country, but were treated as if they had none. They were deluded with hopes that were never realized, and were mocked with the semblance of a representation. Deputies assigned them, not elected by them. At no time was there more peculation, violence, and oppression, than during the interval between the invasion of Spain and the insurrection of the colonies. These causes operated alike on all, and the revolution commenced without previous concert, almost at the same moment in every part of this vast continent. It has triumphed not only over the opposition of the mother country, but over civil dissensions, and the storms of party. In Caraccas, where the revolution first commenced, its success was retarded by one of the most awful events recorded in history. The city was almost entirely destroyed by an earthquake, on the anniversary of their revolutionary movement. The clergy availed themselves of this event, and, assisted by the superstition of the people, re-established, for a short time, the royal authority. The brave and patriotic Bolivar kept up the spirit of the revolution. His active exertions renewed the struggle for liberty; and his zeal and perseverance restored his country to freedom. By his conduct and valor, the most formidable armament ever sent across the Atlantic, has been destroyed. His efforts have united Caraccas and New Granada into one Republic, and he has spread the principles of independence and of free government to the shores of the Pacific.

Buenos Ayres has triumphed over the repeated and formidable efforts of the mother country to subdue them. They have had, besides, to contend against a powerful party of royalists in the interior provinces. The wealthy creoles of that country could not be easily roused to take an active part in a contest, the issue of which was uncertain. No doubt they preferred a national government, and freedom of commerce, but that was not strong enough to vanquish their love of repose and indolent habits; to urge them, in short, to long and painful sacrifices. The royalists are still in possession of some of the finest provinces of La Plata. The interior provinces of the vice royalty of Lima are still in the hands of the royalists; were, I should have said, for it is reasonable to expect that the example of the capital will be followed by the provinces. Chili, agitated for some time by civil dissensions, and overrun by the army of the royalists, has at length established tranquillity at home; and not only driven out the invaders, but carried the war successfully into their strongholds. The revolution in Lima is due to the efforts of this brave people. Mexico, where the revolution commenced at an early period, and where, after a desperate struggle, it appeared to be quelled, is now independent. The spirit of the revolution continued to exist among the people. Hidalgo, and the gallant men who fell in the first revolutionary movement, did not perish in vain.

To prove the utter inability of Spain to recover possession of these countries, it is only necessary to take a view of their vast extent, of their population and resources, and to compare them with those of Spain, agitated as she now is, by intestine commotions, and, for many years past, regarded as the country of Europe the most destitute of industry, of commerce, and of enterprise. The mere recital of the names which distinguish the Spanish colonies in America, extending over 79 degrees of latitude, with a space of at least 1900 leagues, interposed between its most distant settlements; the vast extent of their mountains, their magnificent rivers, the varied productions of the soil, the riches of their mines, impress us at once with the magnitude of their resources. Buenos Ayres, comprising the finest provinces of Peru, the rich mines of Potosi, and the fertile province of Cochabamba, with a population of one million and a half; coining annually upwards of five millions of dollars, exporting ten millions, and importing about the same amount. Chili, the garden of the world, possessing the most fertile soil, productive of all the fruits of Europe and of the tropics, equally rich in the precious and in the useful metals, with a population of more than one million, coining three millions of dollars annually, exporting four millions, and importing more than three millions. Lima, I mean the Vice Royalty of Lima, including Cusco, the ancient capital of the Incas, with a population of 1,200,000 souls, coining annually five millions of dollars, importing ten millions, and exporting thirteen millions. New Granada, containing not less than two millions of inhabitants, with a trade of more than six millions of imports, coining annually three millions of dollars. Caraccas, with a million of inhabitants, and about the same resources as New Granada. These two countries have since been united under one Government, the Republic of Colombia. Guatemala, the country which comprises Costa Rica, and Nicaragua, and bounds on New Granada, a fertile and well cultivated country, containing one million and a half of souls. New Spain, or Mexico, contained in 1808, a population of five millions, nine hundred thousand, a population not likely to have been diminished since that period. Coining at that time twenty-three millions of dollars annually, importing twenty millions, and exporting between twenty and thirty millions. The detached Governments, contained nearly a million of inhabitants, making an aggregate of fifteen millions.

I will not detain the Committee by going into an examination of the resources of each particular State. It will be sufficient for my purposes to particularize those of Mexico. The whole annual

agricultural product of Mexico was estimated at twenty-nine millions of dollars. The annual product of the precious metals at twenty-three millions; the annual product of the manufactures at eight millions; the exports at twenty-two millions; the imports at twenty millions; the revenue of Mexico, for customs and taxes, amounted to not less than twenty millions.

If, says Baron Humboldt, the political strength of a nation depended only upon the extent of country, and number of inhabitants, New Spain might rank with the United States. Such was the state of these countries under all the disadvantages of the colonial system, for I have purposely taken the statement previous to the revolution. Thus we see that the total population of the Spanish colonies exceeded fifteen millions; the imports were never less than sixty millions, and the exports seventy.

The estimated population of those countries is more likely to fall short of the truth, than to exceed it. The census was taken for the purposes of taxation, which induced the inhabitants to conceal their real numbers. And here let me remark, that this population is more effective, and the proportion of whites greater than has been generally supposed. The most favorable statement ever published of the population of Spain, previous to the late wars, made it amount to 10,409,879. A population much thinned by wars, and pestilence, and famine, within the last ten years. The exports of Spain amounted to about sixteen millions of dollars, and the imports to between fourteen and fifteen millions. Let me ask then, whether it is probable that Spain, with not quite two-thirds the population, with inferior resources at all times, and those much diminished by this defection, can reconquer countries at a distance, some of them of two thousand leagues, and none less than one thousand? The history of Spain herself is an answer to this question. With a courage and energy that a determination to be free alone could give, Spain repelled the hosts of France that invaded her territory; weak in numbers and resources when compared to France, they successfully resisted the utmost efforts of that Power to subdue them. One word, sir, on this subject. It is too much our custom to speak contemptuously of this brave and high-minded people; they were long bowed down by an iron despotism. But other days have dawned on that fair country; after resisting with unexampled resolution, foreign usurpation, they have resolved to be free. Their sufferings from the vices and defects of long servitude, ought to excite our sympathies, and their efforts to establish free and liberal institutions, entitle them to our respect.

It has been supposed by some, that the independence of these colonies would injure the prosperity of the United States; possessing a more fertile soil, and raising the same productions, they would drive us from the markets of Europe. It has been said that colonies are safer neighbors than free States, and that so long as they were bound down by the oppressive restrictions of Spain, they would neither be dangerous rivals nor formidable competitors. It is unwise, therefore, in us to offer them any encouragement. Not only the best feelings of the heart revolt at such a conclusion, but it is manifestly false; it is our interest that they should be free. With an extensive line of coast, with numerous navigable rivers, facilitating their internal trade, with a population of more than fifteen millions, almost without manufactures, with a demand for one hundred millions of dollars, and without the means of carrying on their foreign commerce, these countries present a market for the skill and industry of our merchants, which promises the greatest advantages. Let any one look back and observe how the demand has every where increased with the increasing produce.

The wars and revolutions which have lately afflicted Europe, are known now only by their beneficial effects. Effects to be seen in the amelioration and extension of their agriculture, in the increase of their towns and villages, in the augmentation of manufactures, in the benefits of education, the desire of freedom, and in the general welfare and prosperity of the country. It is impossible to pass through any part of Europe, at present, without being struck with the improved condition of the people. An improvement which, as it advances, will augment the demand for all the productions of the West. The intercourse of the provinces of Spanish America with these countries, will augment their means of information, and will enlighten them on the subject of government, on public welfare and private happiness. With the increase of knowledge, will arise free and well-organized institutions, the refinements and various wants of civilization. This cannot fail to produce a demand for all the manufactures of this country, and for all the objects of trade. I had intended to have entered, fully, into the importance of our political relations with these countries. I fear, however, that I should exhaust the patience of the Committee were I to attempt it; and I feel that I should exhaust my own strength. I am compelled, therefore, however reluctantly, to waive this part of the subject. The question for the consideration of the Committee is, whether we shall now adopt a measure called for by every motive of feeling and of policy, at a moment when it may give us weight and influence in those countries; a measure by which we shall at once assume the station that becomes our character, among the great Republics of this hemisphere; or whether we shall wait the slow and unwilling consent of Spain, or the uncertain policy of the other Powers of Europe.

The latter have refused to co-operate with us. It does not accord with their avowed principles to countenance any resistance against the abuse of power, however flagrant and unjust. In all ages, Spain has been slow to acknowledge the independence of those countries which have been driven to rebellion by her oppression. It is not probable that she will pursue a different policy with regard to her colonies in America. In this particular, and in this alone, I differ from the report now under consideration. It proves incontestably the right and the expediency of adopting the measure recommended by these resolutions.

It is a clear and convincing argument, highly honorable to the committee, and, as I entertain great deference for their opinion, it is with reluctance I differ with them in this particular. The committee think it manifest, from the report of the Committee of the Cortes, "that Spain had 'not only renounced the feelings of an enemy to-'wards the colonies, but had been prepared, a year 'ago, to consent to their independence, but for '*particular occurrences.*" They are led to this conclusion from the terms in which the committee speak of "the measure demanded by the crisis, as 'one indicative of a new and glorious resolution; 'that it was demanded by America and by the 'true interests of the Peninsula; that, from it 'Spain might reap advantages, which otherwise 'she could never expect; and that the ties of kin-'dred and the uniformity of religion, with com-'mercial relations and those emanating from free 'institutions, would be the surest pledge of mutual 'harmony and close union."

I agree with the committee, "that no measure short of a full recognition of unconditional independence could have deserved the character nor been capable of producing the effects ascribed to it." But, sir, what say the documents on your table? The American deputies, disappointed in their expectations, presented propositions, in substance, Mr. Brent tells us the same as those that at first met the approbation of ministers, and which would have been adopted, but for particular occurrences. These propositions contain no demand for an acknowledgment of independence; but merely for permission to establish an internal administration, dependent upon the mother country, freedom of commerce and equal rights with European Spaniards. This was, in substance, the measure first proposed by the committee of Cortes, and which was subsequently rejected by the king, "as a violation of the Constitution; that public opinion was not prepared for it, that it was against the interests of Spain and of America." Something less favorable must be intended by the king, when he says that "his Government, urged by the Cortes, to propose the measures they may think most proper for their welfare, or a consideration of the state of these countries, they will do so immediately, and with the utmost generosity." No, sir. The recognition of the independence of the Spanish colonies would be opposed both by the interests and by the prejudices of the Spanish nation. Independently of the revenue derived by the Crown from those countries—a revenue of more than eight millions of dollars—the patronage they afforded was immense. Places in Spanish America were the reward of services and the means of corruption. The aristocracy, who profitted by those places, and who regarded them as the means of maintaining their splendid establishments in Europe, will abandon, with reluctance, the prospect of wealth America presented. The clergy will exert their influence to prevent it. America was to them a source of ambition and of profit. The possession of America extended their spiritual dominion and augmented their temporal wealth. The merchants, who, by a code of laws framed in the spirit of restriction and oppression, monopolized the trade of the colonies, will oppose their recognition; and the people generally will not consent to relinquish, without a desperate struggle, the dominion over the colonies, connected, as it is, with their most pleasing recollections of national honor and glory.

It is in vain to say that they are really independent. The Spaniards will not abandon all hope of recovering possession of them until they are recognised by the Powers of Europe. It is well known that there are many of the former inhabitants of St. Domingo, now in France, who still cherish the hope of being restored to their estates in that island.

These motives will operate powerfully upon the Spanish nation, and, it is to be feared, will not only prevent their recognition of the independence of these countries, but lead them to view this measure, on our part, as an unfriendly, perhaps as a hostile act. They certainly have no right to do so according to the laws and usages of nations. But the resentment of wounded pride is not always restrained by considerations of national law.

But, sir, this risk, even if it were less remote, ought not to deter us from adopting the resolutions on your table. It is a measure called for both by justice and policy. The conduct of the Government, in relation to this contest, has given the best evidence of our respect for the rights of Spain. So long as that nation made an effort to recover her dominion over her colonies, the United States abstained from recognising their independence. But now, when all opposition has ceased on the part of Spain; now that those countries are free from the intestine commotions which divided them into factions, and rendered it difficult to distinguish which was the legitimate government, it would be unjust to withhold it.

I hope, therefore, the Committee will adopt the resolutions now under consideration. It is due to the rights of the free and independent Governments that expect it at our hands, and due to our own character and station.

Mr. RHEA and Mr. NELSON, of Virginia, delivered their sentiments, generally in favor of the propositions before the House.

The Committee then rose, and reported to the House their agreement to these resolutions.

The question being about to be put on agreeing to the first resolution—

Mr. TUCKER, of Virginia, objected to the phraseology of the resolution, and proposed to substitute the word "nations" for "provinces," where it occurs.

Some other member mentioned the word "Governments" as proper, and Mr. TUCKER so varied his motion.

Mr. RUSSELL had no particular partiality, he said, for the phraseology of the resolution, but he objected to the word "Governments," because, according to our system, the word "Government" is different in meaning from the word "nation." He would not himself acknowledge any nation to have a free and independent government which is not a government of the people.

After some further conversation, in which Messrs. Wood, Wright, Rhea, Tucker, and H. Nelson, bore part, Mr. Tucker varied his motion so as to make the resolve read, "the late American provinces of Spain;" which amendment was agreed to.

The question was then taken by yeas and nays, on agreeing to the said first resolution; and the yeas and nays thereupon stood—yeas 167, nays 1, as follows:

Yeas—Messrs. Alexander, Allen of Massachusetts, Allen of Tennessee, Archer, Baldwin, Ball, Barber of Connecticut, Barber of Ohio, Bassett, Baylies, Bayly, Bigelow, Blackledge, Blair, Borland, Breckenridge, Brown, Buchanan, Burrows, Burton, Butler, Cambreleng, Campbell of New York, Campbell of Ohio, Cannon, Cassedy, Chambers, Cocke, Colden, Condict, Conkling, Conner, Cook, Crafts, Cushman, Cuthbert, Dane, Darlington, Denison, Dickinson, Durfee, Dwight, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Eustis, Farrelly, Findlay, Fuller, Gebhard, Gilmer, Gist, Gross, Hall, Harvey, Hawks, Hemphill, Hendricks, Herrick, Hill, Hobart, Holcombe, Hooks, Jackson, F. Johnson, J. T. Johnson, J. S. Johnston, Jones of Tennessee, Kent, Keyes, Kirkland, Lathrop, Leftwich, Lincoln, Litchfield, Little, Long, Lowndes, McCarty, McCoy, McDuffie, McLane, McNeill, McSherry, Mallary, Matlack, Matson, Mattocks, Mercer, Metcalfe, Milnor, Mitchell of Pennsylvania, Moore of Pennsylvania, Moore of Virginia, Moore of Alabama, Morgan, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, New, Overstreet, Patterson of New York, Patterson of Pennsylvania, Phillips, Pierson, Pitcher, Plumer of New Hampshire, Plumer of Pennsylvania, Poinsett, Rankin, Reed of Massachusetts, Reid of Georgia, Rhea, Rich, Rogers, Ross, Ruggles, Russ, Russell, Sanders, Sawyer, Scott, Sergeant, Sloan, S. Smith, Arthur Smith, W. Smith, Alexander Smyth, J. S. Smith, Spencer, Sterling of Connecticut, Sterling of New York, Stevenson, Stewart, Stoddard, Swan, Tatnall, Taylor, Thompson, Tod, Tomlinson, Tracy, Trimble, Tucker of South Carolina, Tucker of Virginia, Upham, Vance, Van Rensselaer, Van Wyck, Walker, Walworth, Warfield, Whipple, White, Whitman, Williams of North Carolina, Williams of Virginia, Williamson, Wilson, Wood, Woodcock, Woodson, Worman, and Wright.

Nay—Mr. Garnett.

So the first resolve passed unanimously, with the exception of a single vote.

The second resolution being under consideration—Mr. Chambers wished that some gentleman who was conversant with the views of the committee, in relation to the subject, would explain the reasons for the particular sum that had been reported. For himself, he was not entirely prepared to say what sum ought to be appropriated.

Mr. Smith, of Maryland, proposed to modify the resolution so as to leave it optional with the Committee of Ways and Means to report a specific bill, or to include the amount in a general appropriation.

The motion was opposed by Mr. Nelson, of Virginia, and Mr. Trimble, who were unwilling to alter the resolution as recommended by the committee, and preferred that this should be disconnected from any other appropriation.

Mr. Smith remarked that his only view in making the motion, was to get at the object of the friends of the measure more readily than could perhaps be done, by a special bill for this purpose. But, in conformity with the wishes that had been expressed, he withdrew the motion.

The question was then put upon the second resolution, and carried unanimously.

And then, on motion of Mr. H. Nelson, the House adjourned.

Friday, March 29.

As soon as the Journal of yesterday's proceedings was read—

Mr. Eustis addressed the Chair and stated that he was necessarily absent yesterday when the vote was taken on the resolution relative to the recognition of the independence of the late provinces of Spain in South America, and that he wished to record his vote thereon.

On this proposition the unanimous consent of the House was required, to dispense with the rule which provides that no member shall be entitled to vote on any question who was not within the bar of the House when his name was called; and some conversation took place on the expediency of granting the leave asked for—in the course of which,

Mr. Taylor quoted the case of the Declaration of American Independence, to which were affixed the names of several members who were not present when the same was agreed to, but came in afterwards and were allowed to subscribe it. The case now before the House, if not analogous, was as little likely to be drawn into precedent as that.

Mr. Cocke quoted the case which occurred yesterday—in which, a member coming in after his name had been called, was yet allowed by unanimous consent to record his vote as though he had been present. On this occasion, Mr. C. contended, the same liberality ought to be extended to all who were absent.

These considerations prevailed with the House, and, by unanimous consent, leave was granted to Mr. Eustis, and Messrs. Reid, Dickinson, Matlack, McDuffie, New, Scott, and Eddy, for similar reasons, and they severally voted in the affirmative, when the vote was declared to be—yeas 167, nay 1.

Mr. Wright requested a similar liberty to Mr. Reed, of Maryland, who was necessarily detained by sickness, but it was decided by the Chair to be impossible to grant such liberty to a member not present.

Mr. Cook, from the Committee on the Public Lands, reported a bill for the relief of Benjamin Stephenson; which was read twice, and committed to a Committee of the Whole.

Two Messages, received from the President of the United States yesterday, were read as follows, viz:

To the House of Representatives of the United States:

I transmit the original reports on the subject of the fortifications on Dauphin Island and Mobile Point, being those on which the works were undertaken, and

have been in part executed. The doubt expressed as to the propriety of the publication is applicable to this document, which would have accompanied the Message of the 26th, had it been prepared in time.

JAMES MONROE.

WASHINGTON, *March* 28, 1822.

The Message and report were referred to the Committee on Military Affairs:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives, of the 1st instant, requesting "the President to communicate such information as he may possess relative to any private claim against the piece of land in the Delaware river, known by the name of the Pea Patch, and to state, if any, and what, process has been instituted in behalf of such claim," I herewith transmit a report from the Secretary of War, furnishing the information required.

JAMES MONROE.

WASHINGTON, *March* 8, 1822.

The Message and report were referred to the Committee on the Judiciary.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting sundry statements in relation to the receipts and expenditure of the Government, and of appropriations, and unexpended balances of appropriations, at sundry periods, as called for by the resolution of this House, on the 13th ultimo; which letter and statements were ordered to lie on the table.

The House then resolved itself into a Committee of the Whole, on the bill for the relief of William E. Meek, and on the bill for the relief of Cornelius Huson, which were respectively reported to the House without amendment; and the bills were ordered to be engrossed for a third reading.

GRADUAL INCREASE OF THE NAVY.

Mr. MCLANE, from the Committee on Naval Affairs, who were instructed, by resolution, "to inquire into the expediency of modifying the act, entitled 'An act for the gradual increase of the Navy of the United States,' so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior force to those now authorized by said law to be built," made a report thereon; which was read and ordered to lie on the table.

Mr. MCLANE, from the same committee, also reported a bill to fix and render permanent the Naval Peace Establishment of the United States; which was read twice, and committed to the Committee of the Whole on the state of the Union. The report is as follows:

The Committee on Naval Affairs, to whom was referred the resolution of the House of Representatives of the 4th instant, instructing them to inquire into the expediency of modifying the act, entitled "An act for the gradual increase of the Navy of the United States," so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior force to those now authorized by said law to be built," make the following report:

That, by the act above referred to, passed the 29th April, 1816, the sum of one million of dollars per annum was appropriated for the gradual increase of the Navy of the United States; and the President of the United States was authorized to cause to be built nine ships, to rate not less than 74 guns each; and twelve ships, to rate not less than 44 guns each, including one 74 and three 44 gun ships, authorized by a previous law. The President was also authorized to procure steam engines and all the imperishable materials necessary for building and equipping three steam batteries; and by the 4th section of the act, it was provided that "the moneys appropriated by this act shall not be transferred to any other object of expenditure." By the act of 3d March, 1821, instead of the appropriation contained in the original act, the sum of $500,000 per annum, for six years, was appropriated to carry into effect the purposes of the said act; and that the whole of this sum will be required to complete the objects complated by these acts. That, pursuant to the instructions and objects of these laws, there has been built and equipt one ship-of-the-line, viz: the Columbus; and that there has been built and launched three ships-of-the-line, viz: the Ohio, the North Carolina, and the Delaware, and one frigate at Washington, the Potomac; that there is now on the stocks, built and ready to launch, one ship-of-the-line at Boston—that there are now on the stocks, nearly finished, one ship-of-the-line at Portsmouth, New Hampshire, one frigate at Philadelphia, and one frigate at New York—that there is on the stocks, about half finished, one ship-of-the-line at Gosport, Virginia—that preparations have, for some time past, been making, for putting on the stocks one ship-of-the-line at Boston, one frigate at New York, one frigate at Portsmouth, New Hampshire, and one frigate at Washington, and that the frames, and nearly all the timber, and other materials have been provided for building one ship-of-the-line at Philadelphia, one frigate at Washington, one frigate at Boston, and one frigate at Norfolk—that the live oak frames, and nearly all the other timber, and two steam engines, have been provided for two steam batteries at New York, and one steam battery at Washington. The committee further report that the articles on hand, and those contracted for, could not be advantageously applied to the building of vessels of a smaller class than those for which they were provided and designed. "The frames of our ships-of-the-line are all got to moulds; each particular piece has its appropriate place in the frame," and the labor of reducing them to a size suitable to smaller vessels would be nearly, if not quite, equal to the expense of a new frame. The copper provided, too, is generally heavier than is used for sloops of war.

In the opinion of the committee, the frames being cut to moulds, which, being the cheaper and better plan, the commissioners of the Navy, with a due regard to the before recited acts, were authorized to direct, there would be great risk of losing them entirely, by their warping out of place, if they are not put together.

The committee are of opinion, also, that the funds appropriated for the gradual increase of the Navy, cannot be diverted to any other objects, consistently with good faith, or the real interests of the nation.

The policy was adopted upon great consideration, and with a view to the defence of our seacoast, and in a well founded conviction that it was wise and prudent gradually to increase our naval force in time of peace, and to render it efficient in the exigencies to which the country must be always more or less exposed. It is believed that the best defence for this country, and that on which it must principally rely,

not only for the protection of our commerce, but to prevent the actual invasion of the soil, is the naval force. The act for the gradual increase of the Navy was founded on this presumption, and designed by gradual means, in a manner least oppressive to the country, to lay the foundation of an efficient naval power, and to prepare, in time of peace, that description of force, which could not be easily raised up in time of war, but which would be indispensable in such a crisis. It requires much time and great care to prepare the materials, and construct the vessels of the class provided for in the acts, and the experience of the late war has fully demonstrated the necessity of such a force; by teaching us the facility with which the enemy could blockade a large portion of our coast with a single ship-of-the-line.

The committee are of opinion that it would be unwise to change this system, founded upon so many important considerations, without some urgent necessity, and in their opinion none such exists; on the contrary, there seems to be even stronger reasons for adhering to the policy, and cherishing the growth of our naval power, now that foreign nations are modeling their naval architecture after our improvements, and at a moment when our foreign relations are about to be extended, upon a scale which should, at least, admonish us against any diminution of, or an indifference to the means of national defence.

The committee are aware of the importance of sloops of war, as a class of naval force, indispensable both in time of peace and war; but they are a class which may be provided in a shorter time, and with considerable advantage, even after the exigency has arisen, and, though they would be useful in time of peace for many services, and especially for the discipline of our officers, and the more effectual suppression of the piratical marauders upon our commerce, the committee believe it would be unwise to break in upon the fund for the gradual increase of the Navy, even for such objects; and, therefore, recommend the adoption of the following resolution:

Resolved, That it is inexpedient to modify the act, entitled "An act for the gradual increase of the Navy of the United States," so as to require a part of the annual appropriation to be expended in the construction of vessels of an inferior force to those now authorized by the said law to be built.

INSPECTION OF LAND OFFICES.

Mr. McLANE, from a select committee, delivered in the following report; which was read, and ordered to lie on the table:

The committee, to whom was referred the several communications from the Secretary of the Treasury, of the 28th of January, and 18th of February, 1822, in obedience to several resolutions of the House of Representatives of the 4th of January, and —— February, 1822, respecting the manner in which the several land offices have been examined, by whom examined, and the moneys paid for such examination, &c.; having examined the subject submitted to them with great deliberation, make the following report:

That, by the laws of the United States, it is made "the duty of the Secretary of the Treasury to cause, at least once every year, the books of the officers of the land offices to be examined, and the balance of public moneys in the hands of the several receivers of public moneys of the said offices to be ascertained." That, previous to the year 1816, this examination had been made by persons residing in the vicinity of the respective offices; but, in progress of time, the augmentation in the receipts of these offices rendered more information necessary, and gave an importance to the examination which it had not previously possessed. These circumstances proved the inadequacy of the old system, and, in 1816, induced the late Mr. Dallas, then Secretary of the Treasury, to direct the examination to be made by one of the clerks of the General Land Office, who was also permitted to make a similar examination in 1817; and received for his services, in each year, at the rate of three dollars per day, in addition to his salary as clerk. That, since the year 1817, the examination has been made by persons disconnected with the Department, and who have received for their services at the rate of six dollars per day, and six dollars for every twenty miles travel.

That, in the year 1824, Jesse B. Thomas, Esq., a Senator of the United States, from Illinois, was permitted by the Secretary of the Treasury to examine the offices in Ohio, Indiana, Illinois, and Missouri, for which, as appears by the documents before the committee, he received a sum amounting to the allowance which has been established since the year 1817. That the principal inducement to permit the said Jesse B. Thomas to make the examination, as stated by the Secretary of the Treasury, appears to have been an expectation that he would be enabled to secure to the United States a large amount of public money in the Bank of Vincennes at the time that bank stopped payment, which service he performed, and for which he has not received or demanded any compensation.

Although the committee consider the duty of suggesting or recommending any alteration in the mode of examining the land offices, to be properly within the province of the Committee on Public Lands, to whom this part of the subject naturally refers itself, they are nevertheless free to declare it as their opinion, that the public interest does not require any change in the mode which has been pursued since the year 1817.

The committee presume, however, that this was the least important object of the reference of the subject to them; and that the design principally was, that they should consider and report upon the effect of permitting Jesse B. Thomas, Esq., a Senator of the United States, to examine the said offices, in 1821, in which it has been supposed that both the Constitution of the United States, and the act of Congress "concerning contracts," passed the 21st of April, have been violated.

Although the committee freely admit the power and jurisdiction of the House of Representatives to guard the purity of our institutions from violations, which it is the peculiar province of Congress or of the people to punish or remedy; they cannot recognise either its justice or dignity in conducting *ex parte* investigations into breaches of highly penal statutes, and the commission of misdemeanors amenable by the laws to a different tribunal. Such precedent might lead, in worse times, to consequences of a ruinous and most troublesome character. They might be used to authorize Congress to become the expositors of their own laws, or improperly to throw the weight of their opinion into the deliberations of the legitimate tribunals. They would be very apt to be seized upon to produce a public excitement, and be perverted to the purposes of ambitious men and individual resentments.

At the same time, the committee would not be understood as ascribing the present investigation to such motives, and, as well on this account, as from a just sense of the policy of our institutions, and the character of the individuals concerned, they submit to the House the general views which they are constrained to entertain.

The committee are clearly of opinion that the examination of the land offices by Jesse B. Thomas, Esq., was not a violation of the Constitution of the United States.

That instrument forbids the appointment of members of Congress, during the time for which they were elected, to any civil office, created, or the emoluments whereof shall have been increased, during that time; and, also, prevents any person holding an office under the Government from being a member of Congress during his continuance in office.

The object was to take from Congress the means or inducement of creating place or emolument for themselves, and thereby guard the rights and interests of the people from the encroachment of Executive power. The committee are the advocates of this policy, and would be the last to weaken its influence in the Government. But the case of Mr. Thomas is clearly not within the words or the spirit of the first, and if it could be considered as embraced in the latter clause, his appointment would, nevertheless, be Constitutional, since only the holding incompatible offices at the same time is prohibited, with which idea the daily practice of the Government, from its organization, is in strict conformity. In fact, the Congress of the United States has hitherto been the theatre on which the ablest men of our country have become distinguished for their virtue and intelligence, and recommended themselves to the highest honors and places in the Government. The same theatre has matured their experience, and conducted our greatest statesmen to the Executive and Judicial Departments at home, and to foreign Courts abroad, with equal advantage to the ornament and real interests of the nation.

If, therefore, there could be such an incompatibility as is imagined, it would then resolve itself into the question, whether Mr. Thomas, by accepting the appointment, had vacated his seat in the Senate, and with that body your committee would, in that case, be disposed to leave it.

But your committee are of opinion that the duty of examining the land offices is not such an office as was contemplated by the Constitution of the United States, which opinion seems to have received the sanction, and regulated the practice, of the Government since the adoption of the Constitution, by those who bore a principal share in composing it; and must, therefore, be supposed to have understood its real import.

The committee refer to the appointment of Mr. Tracy, a Senator of the United States, by President Adams, in the year 1800, to inspect the posts on the northern and northwestern frontier. For this service, Mr. Tracy received a liberal compensation, and extra mileage, which is stated on the records of the Senate of that day. Under the Administration of Mr. Jefferson, Mr. Dawson, a member of the House of Representatives, from Virginia, was appointed as the bearer of a treaty to France, and was paid for performing the duty; and during the Administration of the same President, Mr. Smith, a Senator from Tennessee, was appointed a commissioner to treat with the Indians, and actually executed two treaties under this appointment. They also refer to the instance, at a still more recent period, during the Administration of President Madison, of the appointment of Mr. Worthington, a Senator, and Mr. Morrow, a Representative, from Ohio, to negotiate with the Indians. In each of these cases, the individuals referred to executed the trusts confided to them, still retained their seats in Congress; and, in the Senate, passed upon their own acts. The committee content themselves with these instances, without enumerating others, as affording a clear exposition of this clause in the Constitution.

The act of Congress, which it is supposed has been violated by permitting Mr. Thomas to examine the land offices, was passed the 21st April, 1808, and is entitled "An act concerning contracts."

The first section provides that, from and after the passage of this act, no member of Congress shall, directly or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract or agreement hereafter to be made or entered into with any officer of the United States, in their behalf, or with any person authorized to make contracts on the part of the United States; and further imposes a penalty on any member of Congress so offending.

The act further provides, "that if any officer of the United States, on behalf of the United States, shall, directly or indirectly, make or enter into any contract, bargain, or agreement, in writing or otherwise, other than those therein excepted, on conviction thereof shall be guilty of a high misdemeanor, and fined in the sum of three thousand dollars."

The 5th section provides, that "after the passing of this act, it shall be the duty of the Secretary of the Treasury, Secretary of War, Secretary of the Navy, and Postmaster General, annually, to lay before Congress a statement of all the contracts which have been made in their respective departments during the year preceding such report," &c.

Without meaning to pronounce any opinion, whether a court of justice would so interpret the law as to be applicable to the case of the examination of the Land Office by Mr. Thomas, the committee are aware that the words are extremely broad, and, if such could be supposed to be their true intent and meaning, would be capable of embracing every imaginable case in which a member of Congress could be called to perform any duty, or render any service in behalf of the United States, and which, by any possibility, could be termed "a contract, bargain, or agreement."

They could especially be extended to the appointment to negotiate treaties, whether the member should afterwards resign or not; to the appointment of printers to publish the laws of the United States; and to the employment of counsel in causes in which the United States have an interest—than none of which, it is apprehended, is the duty of examining the land offices more plainly within the scope of the words. But, by the contemporary practice which occasioned the law, and which followed its enactment, among those who were liable to its provisions and always disposed to comply with its terms; who either aided in making, or lived and were familiar in the times and circumstances in which it was made, and were conversant with the men and their objects, by whom it was passed; it has received a different construction, and has never been considered as prohibiting any of the employments above enumerated.

From the organization of the Government, down to the passing of the law in 1808, it had been usual to give such appointments to members of Congress; and though in the case of Mr. Tracy his demand for mileage was not deemed reasonable, neither the legality nor policy of the usage had ever been questioned. But, in the years 1807 and 1808, John Smith, a Senator from Ohio, had entered largely into contracts with the War Department for supplying the Northwestern army; and Matthew Lyon, a Representative from Kentucky, had numerous contracts with the Postmaster General for carrying the mail. These contracts had produced considerable excitement in Congress, where their influence had been manifested; and especially the former, under the supposition that John Smith had become connected with the schemes of A. Burr, and used his contract to subserve them. After a fruitless attempt to expel him from his seat in the Senate, the law in question was passed. From the date of this law, all contracts of the nature of the two last ceased to be given to members of Congress; while all other trusts and agencies, as before referred to, continued to be given, and the returns from the different departments made accordingly, without serious complaint.

The appointment of Mr. Worthington and Mr. Morrow (both active in their respective places in passing the law of 1808) as commissioners to negotiate with the Indians, was made very soon after the law was passed, and by President Madison, who was Secretary of State at the time of its enactment, and could no more be supposed to be ignorant of its general objects than disinclined to obey its injunctions in their true spirit and meaning.

It is believed by the committee that the late William Pinkney was employed as counsel in behalf of the United States, while he was a member of the House of Representatives from Maryland, and argued some causes in the Supreme Court, and received a liberal compensation for his services.

It appears too that in 1818, upon the occasion of certain complaints made at the office of the Secretary of the Treasury against a receiver of public moneys at Vincennes, the present Chief Magistrate of the United States directed the Senators from Indiana to investigate the subject; and though the investigation did not proceed, one of the Senators who lived at a distance, and attended for the purpose, was afterwards allowed his travelling expenses.

On another occasion, (in the year 1819,) the Hon. Benjamin Ruggles was directed to aid the Superintendent of the Cumberland Road in taking proper security from the persons entering into the contracts, and received from the Superintendent seventy-two dollars for his services.

In the Department of State there exist few occasions for giving a construction to this law "concerning public contracts:" though in this Department the employment of a member of Congress (being the editor of a newspaper) to print the laws of the United States has not been considered by John Quincy Adams, Esq., "or by his predecessors, as prohibited by the act of Congress, or as coming at all within its purview." Accordingly, your committee find that James J. Wilson, Esq., a Senator from the State of New Jersey, and the editor of the Trenton True American, was employed to print the laws during the time he was Senator, from 1815 to 1821, and from the year 1804.

In the Navy Department, the committee have heard of no particular cases, or of any particular practice, other than that arising from the annual returns under the fifth section, which are exclusively confined to contracts for *work and supplies.*

The committee believe it to have been usual in the War Department, also, to employ members of Congress as counsel in behalf of the United States; and they refer particularly to the instances of Mr. Baldwin of the House of Representatives, and of Mr. Rodney of Delaware, of the Senate, employed and paid as counsel under the direction of the present Secretary of War.

The committee refer, also, to the case of a member of the House of Representatives, in the present Congress, who is employed, under the authority of the War Department, as the superintendent of a fortification of the United States, for which he receives an annual compensation.

Upon these instances the committee forbear any comment; proceeding to remark, however, that in this practical construction, there has been an uniformity, which could scarcely have resulted from any thing else than a universal impression of the real meaning of the law. By the fifth section it has been perceived that the Secretary of the Treasury, Secretary of War, and of the Navy, and the Postmaster General, are directed to make annual statements to Congress, of such contracts, made in their respective departments, as are comprehended in the law. But in none of these returns, which have been annually made, are included any of the cases enumerated, *whether the service had been performed by a member of Congress, or any other person,* and under the idea that these were not of the description of contracts to which the law had reference, the returns embrace only contracts for labor, for furnishing supplies, and for carrying the mail; and it is also worthy of observation, that, though this fifth section designs to compel a return of all contracts within the law, it does not require any such return from the Department of State, in which, though it is true no such contracts as gave rise to the law are ever made, it has, nevertheless, an extensive patronage, a part of which is that of authorizing the publication of the laws, which may be dispensed to members of Congress, and as we have seen, falling clearly within the general scope of the words of the law of 1808. Neither has it been usual, or deemed necessary, to make a record in either of the Departments, of any such instances, whether the service was performed by a member of Congress, or others, pursuant to the law, requiring all contracts made by the respective Departments, in behalf of the United States, to be recorded.

The committee do not wish to be understood as referring to these instances, and to this course of practice, to justify or excuse an error in one Department, by detecting similar abuses in others; nor as affording an interpretation which, if erroneous, should have the force of judicial decision; but merely as the means by which the subjects and meaning of the law may be ascertained, as illustrative of the sense in which its provisions have been received and understood by the most distinguished statesmen, and the ablest constitutional lawyers of the country, and by the common consent of all whose duty it was to obey them.

They refer to them, as demonstrating a contemporaneous practical construction, which has prevailed, without concert, in all of the Departments, and to which an officer, entering an office long after the con-

struction had become adopted, might naturally conform his conduct.

On the whole, the committee have seen nothing in the case submitted to them, which can lead to the presumption, that either of the individuals concerned had any intention either to violate the provisions of the law, or to abuse or disregard the spirit and policy of our institutions.

They are of opinion that the employment of Mr. Thomas to examine the land offices originated in a desire honestly to discharge an important public duty; that the peculiar importance of the trust at the time, and the character and elevation of the individual employed, were calculated rather to invite than forbid the selection. Nor have the committee any reason to believe that the duty has not been faithfully performed, and in a manner conducive to the public good.

Under these circumstances, and with such impressions, the committee do not deem it necessary to single out this case for particular animadversion, or to pronounce upon the comprehensiveness or precise import of the act of 1808. They content themselves with referring to the construction which it has uniformly received in practice, and to the conviction that the public good, and not any sinister or improper purpose, was intended; and they therefore recommend the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

Mr. COOK stated, that it was due to himself and to the committee to say, that the committee were not unanimous in agreeing to the report, and to express the views which he personally had of this subject, which he considered, in some points of view, as of great importance, he offered a counter-resolution, which he requested might accompany the report, and be laid on the table with it.

Mr. MCLANE said he was sorry that, on the present occasion, the gentleman from Illinois had thought it proper to deviate from the usual practice on making reports, in stating, as he had done, that there was a division in the committee on the subject of the report. An obvious objection to such a proceeding was, that each member of the committee might feel himself called upon to say how *he* had voted, if any one of the committee did so. He believed, he said, that he should be authorized in saying that the honorable gentleman himself was the only one of the committee who disagreed to the resolution now on the table. Mr. McL. did not think this course to be the proper one to be pursued. It would be an encroachment on propriety to suffer a committee to make a report, and accompany it with another report, which might possibly be of a very different tendency. The object of the gentleman, besides, could be as well attained by moving his proposition in the shape of a separate and distinct resolution, as in the way he proposed.

The SPEAKER, deprecating the debates growing out of incidental questions, uselessly consuming the time of the House, pronounced his decision, that nothing can be received as the act of a committee but what is the report of a committee, and that a committee can make but one report. Nothing, therefore, but the report of the committee was now under consideration. He adverted to the famous case of the Seminole war, in which a counter report had been offered by one of the committee, and received by the House, but he considered it an erroneous proceeding, and not to be drawn into precedent.

Mr. MERCER concurred in the view which the Speaker had taken of this point, and added that, in the case of the Seminole war, the counter report had not been received until after considerable debate, and it was afterwards a subject of general regret that it had been received at all.

Mr. COOK said, he was not sure he had understood the gentleman from Delaware (Mr. MCLANE) correctly—but, repeating what he had said when before up, Mr. C. now justified it. It was no new thing for it to be announced, on the presentation of a report, that the committee was divided in relation to it. He quoted the example of the case of the report at the last session on the admission of Missouri into the Union. He did not know whether the member from Delaware meant to intimate that he had made an incorrect statement or taken any undue advantage. He would rather abandon his seat—he would rather never have set foot in this House, than do a dishonorable act, or even an act of unkindness to any of his fellow-members. He deemed it a matter of importance even to the persons about whom, on this subject, so much had been said, to frankly present to the House his views, that no man should be taken by surprise in voting on a question deeply connected with the purity of the legislative body——

The SPEAKER here arrested the debate as going improperly into the main subject, on a question merely incidental.

Mr. MCLANE disclaimed any intention, in what he had said, to alarm the feelings of the gentleman from Illinois, or impeach his motives. He considered it an act of justice to himself and to the committee to state the facts of the case, and he had done no more.

The question was taken on laying the report on the table, as moved by Mr. COOK, and carried.

Mr. COOK then submitted the following resolution:

Resolved, That the employment of members of Congress by the Executive, or any Executive officer of the United States, in the performance of any public service, during the continuance of their membership, for which they receive compensation out of the public Treasury, is inconsistent with the independence of Congress, and in derogation of the rights of the people, and, if it be not already, ought to be prohibited.

Mr. CANNON required the question of *consideration* of the resolution; and, that question being taken, the House agreed to consider the same.

Mr. COOK moved for a reconsideration of the vote taken upon the disposal of the resolution reported by the committee; on the ground that his object was to offer the last resolution as an amendment or rather as a substitute for the resolution reported by the committee.

A question of order occurred, in which Messrs. COOK, H. NELSON, CANNON, and TAYLOR, took

part, when the proceedings ended in deciding to lay Mr. Cook's resolution on the table, in the same manner as the report had been; and both were ordered to be printed.

FUGITIVE SLAVES.

The House then resolved itself into a Committee of the Whole on the bill to provide for delivering up persons held to labor or service in any of the States or Territories, who shall escape into any other State or Territory.

The question was, on the motion to strike out the enacting clause of the bill.

Mr. F. Johnson was willing to legislate on the subject, but he thought this bill was calculated to introduce new and unknown rules in relation to property. Its operation was not confined to the slaveholding States, and he thought its tendency would be injurious to society, and the administration of justice. He was also opposed to it on the ground that it authorized a suspension of the right of the writ of habeas corpus. He hoped that the bill would be laid on the table, or recommitted, in order that these objections may be removed; and with that view, he proposed that the Committee rise and report; which motion was put and carried, ayes 55, noes 43.

In the House, leave to sit again was refused to the Committee; and

Mr. F. Johnson moved to recommit the bill to a select committee, which was agreed to; and Mr. Johnson of Kentucky, Mr. Colden, Mr. Wright, Mr. Nelson of Virginia, and Mr. Williams of North Carolina, were appointed said committee.

EXCHANGE OF STOCKS.

The House then took into consideration the bill to authorize the Secretary of the Treasury to exchange certain stocks bearing an interest of six and seven per cent. for stock bearing an interest of five per cent.

Mr. Smith, of Maryland, proposed the amendments which he had submitted some days since, and which the House had ordered to be printed, accompanied with a few explanatory observations.

Mr. Colden was opposed to the amendments, because he wished to strike out the words *twelve millions*, and to insert in lieu thereof *five millions*, so as to reduce the amount of stocks to be exchanged; and, also, to sell the seventy thousand shares of stock in the Bank of the United States which are owned by the Government. The amount of dividends which had been received upon the bank stock belonging to the United States during four and a half years, had been 13 per cent. for the whole period, amounting in the aggregate to $910,000, whilst the interest on the seven millions which was borrowed to pay for that stock, had amounted, during that period, to the sum of $1,575,000, making a loss to the United States of $665,000. But Mr. C. stated that, from the present price of that stock in the market, $980,000 would be gained to the United States from the surplus price of the shares above par; so that the operation of the amendments he proposed would be, as he contended, to save to the United States $196,000 per annum, and to put more than half a million of dollars into the public Treasury. Mr. C. entered into a variety of considerations to evince the propriety of the project he had submitted, and concluded by observing that he should vote against the bill, yet, if it should be adopted, he thought the plan which he had suggested was altogether the most expedient course that could be pursued.

Mr. Smith, of Maryland remarked, that the gentleman from New York, (Mr. Colden,) had admitted that $980,000 were obtainable from the present value of the stock above par. Nor was that all; for the Bank of the United States had performed the duties of the loan offices, which had saved the United States $100,000 annual expense. Mr. S. proceeded at considerable length in explaining and enforcing the expediency and necessity of the measures that had been resorted to, in relation to the Bank of the United States, and he contended that the stock of that Bank had already fallen, by the refusal of one branch of the Legislature at this session to aid it; and if the seventy thousand shares belonging to the United States should be thrown at once into the market, he believed the stock would fall down to ninety, and perhaps to eighty, so that the United States would utterly fail of obtaining the expected premium. It would evince such an hostility on the part of the Government to that institution, as would destroy all confidence in the value of the stock.

Mr. Colden replied to the observations of the gentleman from Maryland, (Mr. Smith.)

Mr. Cambreleng was in favor of the amendment, and opposed the scheme proposed by his colleague, (Mr. Colden.)

After some further observations of Mr. Colden, the question was taken on the amendments as proposed, and respectively carried without a division; and the bill was thereupon ordered to be engrossed for a third reading, ayes 79.

HORSES LOST IN THE SEMINOLE WAR.

The House again went into a Committee of the Whole on the report of the Committee of Claims unfavorable to the memorial of the Legislature of the State of Tennessee, claiming payment for horses lost in the Seminole campaign.

Mr. F. Jones moved to amend the report of the committee by striking out the word "not," so as to give it an affirmative character.

The motion was supported by the mover, and by Mr. Allen, of Tennessee.

Mr. Allen said: This claim presents itself very differently from most others which we are called upon to decide. It rests upon a positive contract between the soldier and his Government. We find the Commander of the Southern division of the Army of the United States inviting mounted volunteers to enter the service under a promise to pay them forty cents per day for their horses, and furnish them with forage and subsistence, at a time when a law existed to pay the soldiers, who had just returned from service, for their horses that had been lost on account of a failure on the part of the

Government to forage them. The inspection roll of the Army proves that these men entered the service, and performed their duty faithfully, and were honorably discharged. It is admitted that, during a long and rapid march through a wilderness, no forage whatever was furnished. What was the consequence? Death to the horse and loss to the owner, but a gain to the Government of all that forage and transportation would have cost. If that has been done in violation of the contract with the soldier, is it not reasonable to pay the damages that accrued to the soldier who performed his part of the covenant? His claim would be sustainable in law, were the Government suable? and, because it is not, are we to reject it? I hope not; I will not agree to do so without stronger reasons than are to be found in the report of the Committee of Claims. I cannot see how the soldier's demand for his horse is at all impaired by any thing paid him for his services. He performed the duties required of him, and only received the wages promised for doing so; yet this ingenious report tells us that that payment exceeded the average value of the horses, and infers, from it, that the soldier is already overpaid. Agreeably to this mode of reasoning, if one of these soldiers had served six months longer, the Government would have had a claim against him equal to the value of another horse. If he is to be charged with his wages when he receives credit for his horse, it is evident that the longer he served the greater would be the balance against him. This may be good argument, but, in my opinion, very poor pay. There is a laboring, throughout this report, to draw the mind off from the merits of the claim, and fix it upon charges and expenditures that attended the campaign, for which the soldier is not at all accountable. After all the trouble of searching every department in the War Office, it is discovered that, out of the arms put in the hands of the volunteers, forty-nine muskets were never returned. This, I think, might easily be accounted for by looking at the number of men that never returned. The killed and wounded could not be expected to return their arms, and certainly their comrades are not to be made accountable for them. Is it believed that we are never to want another Army? If we do, does any one think we will get soldiers, if they are to be made accountable for all the expenses? Was that the course adopted during the last war? No; the mounted men then engaged, were paid for their services and their losses. These troops only ask the same measure of justice all others received. If the policy even is doubtful, is it just to change it now, and exclude a few that have been deceived by confiding in it? Certainly not. If you want the confidence of the people, remember that, next to their liberty, they claim from their Government equal justice. I hope it will not be denied to these meritorious men—soldiers, I would say, if I was not well aware that the very name of soldier sounds an alarm here, not for their valor, but for our money. Sir, these soldiers are too proud to beg. Give them justice or give them nothing.

On motion of Mr. WILLIAMS, of North Carolina, the Committee rose and reported progress, and asked leave to sit again, which was granted.

SATURDAY, March 30.

An engrossed bill for the relief of William A. Meek, and an engrossed bill for the relief of Cornelius Huson, were respectively read a third time, and passed.

Mr. LATHROP, from the Committee of Revisal and Unfinished Business, reported a bill to revive and continue in force acts concerning the allowance of pensions, upon the relinquishment of bounty lands; which was twice read, and ordered to be laid on the table.

Mr. BLACKLEDGE, from the Committee on the Public Buildings, reported a joint resolution assigning certain rooms for the national paintings, executed by Colonel Trumbull; which was twice read, and, by unanimous consent, ordered to be engrossed for a third reading.

SECURITY OF THE MAIL.

On motion of Mr. HOOKS, the House agreed to consider the report of the Committee on the Post Office and Post Roads, relative to the adoption of Imlay's invention for the security of the mail, &c.

Mr. F. JOHNSON proposed to modify the resolution in such manner as to authorize the Postmaster General to adopt the plan or not, at his discretion. Mr. J. expressed his doubts of the efficacy of the plan proposed, but he was willing to submit it to the discretion of that officer.

Mr. ALLEN, of Massachusetts, was also in favor of submitting the subject to the discretion of the Postmaster General.

The modification was opposed by Mr. OVERSTREET, when the question was taken thereon, and carried.

On the resolution as amended, Mr. TAYLOR expressed his opinion that the resolution ought to be joint, and he moved an amendment to that effect, which was agreed to, and the resolution was thereupon read, and committed. The resolution is as follows:

"*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Postmaster General be authorized, in his discretion, to introduce, as soon as conveniently may be, on one or more of the most exposed routes, Richard Imlay's plan of copper cases, secured in iron chests, with inside locks and sliding bars, in such a way as to test its efficacy in preventing robberies of the mail: *Provided,* the extra expense for each mail carriage shall not exceed one hundred and fifty dollars; and to charge the cost thereof to the contingent expenses of the Post Office Department."

SOUTH AMERICAN GOVERNMENTS.

The SPEAKER laid before the House the following letter, which, by unanimous consent, was ordered to be entered on the Journals of the House.

WASHINGTON, *March* 30, 1822.

To the honorable, the Speaker of the House of Representatives:

SIR: Severe indisposition prevented me from attending the House on Thursday, and recording my

1897 1898

APPENDIX

TO THE HISTORY OF THE SEVENTEENTH CONGRESS.

[FIRST SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

SPAIN—DELIVERY OF THE FLORIDAS.

[Communicated with the President's Message, December 5, 1821]

Instructions to Colonel James G. Forbes.

DEPARTMENT OF STATE,
Washington, March 10, 1821.

SIR: The President of the United States, having occasion to employ a person to take to the Spanish Governor General of the island of Cuba the order from his Government for the delivery of the provinces of East and West Florida to the commissioners or officers of the United States duly appointed to receive them, has selected you as the agent for that purpose, and a certificate to that effect from this Department will be delivered to you with this letter.

You will forthwith repair to New York, and there take passage in the United States sloop of war Hornet, Captain Read, who will be instructed to receive you, and to proceed as soon as possible to the Havana. The order to the Governor General of Cuba, together with a letter from the Spanish Minister, General Vives, to him, is committed to you, and you will deliver it to him in person upon your arrival. You will urge the immediate execution of it, and will offer to take charge yourself of the Governor General's order to the Governor of West Florida. Should he prefer to transmit this by an officer of his own appointment, Captain Read will be authorized to give him a passage with you in the ship to Pensacola. You will also concert with him the means of transmitting the order for the delivery of the province of East Florida to the Governor at St. Augustine. It has been represented that the archives and public documents stipulated to be delivered up by the treaty are at the Havana, and, if so, you will require that they should be delivered to you, and take them with you in the ship to Pensacola, where you will keep them in safe custody till the arrival of Major Gen. A. Jackson, who is appointed Governor of the whole of the territories ceded, and to whom you will deliver them over, or to his order, taking a suitable receipt or receipts for them, by duplicates, one of which you will transmit to this Department. On arriving at Pensacola, and communicating to the Governor the order from the Governor of Cuba, you will immediately give notice, by express, to General Jackson, who will be at Montpelier, in the vicinity of that place, that he may repair to it to receive possession; and you will then remain at Pensacola, giving information to this Department through the nearest mail (believed to be at Blakeley) of your proceedings. You will also communicate to this Department any information relating to the country which it may be useful for us to possess, and wait for such instructions as may be transmitted to you till the accomplishment of the objects of your mission.

Your compensation will be at the rate of eight dollars a day from the time of your departure from this place till your arrival at Pensacola; all your expenses on the passage are to be at your own charge; and from the time of your arrival at Pensacola the allowance will be six dollars a day till you receive notice that it is to cease. If you then conclude to return to New York, the allowance will be continued for a reasonable time, to admit of your return.

The papers herewith furnished you are—

1. A certificate of your appointment.
2. A commission authorizing you to demand and receive the archives.
3. The order to the Governor and Captain General of Cuba, with a letter to him from the Spanish Minister here.
4. Six copies of the treaty, with the ratifications, to be used as you may find convenient.
5. A copy of the order to the Governor of Cuba.
6. A copy of the act of Congress for carrying the treaty into execution.

It is proper to apprize you that if, by any accident, you should be prevented from executing the service herewith assigned to you, Mr. G. L. Thompson has a commission for performing it in your stead. I am, &c.

JOHN Q. ADAMS.

JAMES G. FORBES, Esq.